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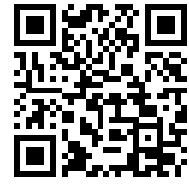

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Parliamentary History.

VOL. XI.

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William Cobbett.

THE

Parliamentary History

OF

ENGLAND,

FROM

THE EARLIEST PERIOD

TO

THE YEAR

1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED,

"THE PARLIAMENTARY DEBATES."

VOL. XI.

A. D. 1739—1741.

LONDON:

PRINTED BY T. C. HANSARD, PETERBOROUGH-COURT, FLEET-STREET:

FOR LONGMAN, HURST, REES, ORME, & BROWN; J. RICHARDSON; BLACK, PARRY, & CO.; J. HATCHARD; J. RIDGWAY; E. JEFFERY; J. BOOKER; J. RODWELL; CRADOCK & JOY; R. H. EVANS; E. BUDD; J. BOOTH; AND T. C. HANSARD.

1812.

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PREFACE.

THE present Volume includes the Period from the 15th of November 1739, to the 24th of February 1741. The Materials from which it has been compiled are those stated in the Preface to the preceding Volume. It contains many important Debates not to be found in the Collections of Chandler or Timberland; and that no doubt may exist with regard to the sources from which they have been drawn, the Editor has given, at the beginning of each Debate, the title of the Work from which it is taken.

The Debates compiled by Dr. Johnson for the Gentleman's Magazine, will all be preserved in this Collection. They began on the 19th of November 1740, and ended on the 23rd of February 1743. Great doubts have arisen with regard to their authenticity; but upon a comparison of any one of the Debates in the House of Lords—the Debate, for instance, on the Duke of Argyle's Motion upon the 9th of December 1740 respecting the State of the Army, or that on the 13th of February 1741 upon Lord Carteret's Motion for the Removal of Sir Robert Walpole—with the valuable Manuscript Reports of Archbishop Secker, then Bishop of Oxford, it will be seen, as was observed in a former Preface, how little credit is to be given to Sir John Hawkins's assertion, "that they were not authentic, but, except-

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" ing as to their general import, the work of Johnson's own " imagination."*

The assertion, too, " that Johnson sometimes had nothing " more communicated to him than the names of the several " Speakers, the side they took, and the order in which they " spoke," appears equally unfounded: for it is deserving of remark, that the Debates of this period were given also in the London Magazine with considerable ability, by Gordon, and were published in most instances two months earlier than those in the Gentleman's: nay, the great Debate in the House of Commons upon the 13th of February 1741, on Mr. Sandys's Motion for the Removal of Sir Robert Walpole, was given in the London Magazine *eleven* months before the one compiled by Johnson was printed: and this being the case, it would be folly to suppose that the Doctor did not avail himself of the assistance to be derived therefrom.

It appears, also, from Dr. Birch's MSS. in the British Museum, that Cave, the Proprietor of the Gentleman's Magazine, had better assistance for this branch of his publication, than has been generally supposed, and that he was indefatigable in getting it made as perfect as he could.† It is, therefore, most probable

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* See Sir John Hawkins's Life of Johnson, p. 123, 2d edit. 1787.

† The following Extracts from Cave's Letters to Dr. Birch, are copied from Birch's MSS. in the British Museum, 4302.

" 21st July 1735. I trouble you with the inclosed, because you said you could easily correct what is herein given for Lord C——ld's Speech. I beg you will do so as soon as you can for me, because the month is far advanced."

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that some of the Speeches written by Johnson were corrected by the Speakers themselves.

In the year 1787, the "Debates in Parliament by Samuel Johnson, L. L. D." were published in two volumes octavo, with a Preface said to be written by Mr. George Chalmers.* In this Preface the reader is informed, "that as these Debates appeared "originally without any regard to chronological order, it was "deemed respectful to the Public to restore this order, according "to the dates when the real Debates actually happened." After this declaration, the Editor was surprised, on examining the Journals, to find that out of thirty-two Debates, twelve were given to the public with incorrect dates; but he was still more so, on discovering, that several of the Doctor's best compositions were left out; and, among others, the very important Debate in the House of Commons, on the 13th of February 1741, upon Mr.

"15th July 1737. As you remember the debates, so far as to perceive the speeches already printed are not exact, I beg the favour that you will peruse the enclosed, and, in the best manner your memory will serve, correct the mistaken passages, or add any thing that is omitted. I should be very glad to have something of the Duke of N——cle's Speech, which would be particularly of service."

"A gentleman has lord Bathurst's Speech to add something to."

"July 3, 1744. You will see what stupid, low, abominable stuff is put upon your noble and learned friend's character, such as I should quite reject, and endeavour to do something better towards doing justice to the character. But as I cannot expect to attain my desires in that respect, it would be a great satisfaction to me, as well as an honour to our work, to have the favour of the genuine Speech. It is a method that several have been pleased to take, as I could shew, but I think myself under a restraint. I shall say so far, that I have had some by a third hand, which I understood well enough to come from the first; others by penny-post, and others by the Speakers themselves, who have been pleased to visit St. John's Gate, and shew particular marks of their being pleased."

* "I am well assured, that the Editor is Mr. George Chalmers, whose commercial Works are well known and esteemed." Boswell's Life of Johnson, Vol. 1, p. 80.

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Sandys's motion for the Removal of Sir Robert Walpole, containing the admirable Speech in defence of Sir Robert, by Mr. Stephen Fox, afterwards Earl of Ilchester, which will be found at p. 1335. Omissions equally striking will be noticed in the next volume, in which a complete List of the Debates compiled by Dr. Johnson will be given.

The Collections of Chandler and Timberland close with the Second Session of the Ninth Parliament of Great Britain, on the 21st of April 1743. From this time the Public were without any regular collection for the space of twenty-three years; until, in 1766, Mr. Almon undertook a continuation. This Continuation contains no Debates in the House of Lords, and is scanty and imperfect to a degree that can hardly be conceived; but of which some idea may be formed from the fact, that all the Debates and Proceedings in Parliament during the important period between 1751 and the Accession of his present Majesty in October 1760 are comprised in less than three hundred loosely printed octavo pages.

To render the interval between 1743 and 1774 (when the Debates of both Houses began to be regularly published by Almon) as complete as possible, is the anxious wish of the Editor; and, from materials which he has already either collected himself or been favoured with by others, he hopes to be able to throw considerable light on a period of our Parliamentary History of which we have hitherto had few authentic documents.

LONDON, 5, *Panton Square*,
April 24, 1812.

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TABLE OF CONTENTS

TO

VOLUME XI.

I. Proceedings and Debates in both Houses of Parliament.
II. Addresses.
III. King's Speeches.
IV. King's Messages.
V. Parliamentary Papers.
VI. Petitions.
VII. Protests.
VIII. Persons filling the several High Offices in Church and State.
IX. Index of the Names of the several Speakers in both Houses of Parliament.

I. PROCEEDINGS AND DEBATES IN BOTH HOUSES OF PARLIAMENT.

SIXTH SESSION OF THE EIGHTH PARLIAMENT OF GREAT BRITAIN.

1739.		Page
Nov. 15.	The King's Speech on Opening the Session	1
	Declaration of War against Spain	3
	Debate in the Lords on the Address of Thanks	4
	The Lords' Address of Thanks—The King's Answer	81
	Debate in the Commons on the Address of Thanks	82
	The Commons' Address of Thanks—The King's Answer	96
16.	Debate in the Commons on the Bill for the Encouragement of Seamen	97
27.	Debate in the Commons on raising a Body of Marines	149
	Debate in the Commons on a Resolution for addressing the King not to make Peace with Spain, till the Right of British Ships to navigate in the American Seas is acknowleged by the Spaniards	213
28.	Debate in the Commons on the Number of the Land Forces	247
29.	Debate in the Commons on Motions for Papers relating to the War with Spain	252
Dec. 18.	Debate in the Commons on a Motion for a Call of the House	327
1740.		
Jan. 29.	Debate in the Commons on the Place Bill	328
31.	Debate in the Commons on a Motion for a Call of the House	381

Digitized by Google

1740.		Page
Feb. 1.	Debate in the Commons on the Navy Estimates	404
5.	Debate in the Commons on the Bill for Registering Seamen	414
8.	Resolution of the Commons relating to the Price of Coals during the Hard Frost	435
11.	Debate in the Commons on the King's Message for a Vote of Credit	435
28.	Debate in the Lords occasioned by a Message for a Supply being sent to the Commons only	449
	Another Report of the same Debate, from the Secker Manuscript	449
	Debate in the Commons on Mr. Pulteney's Motion for an Enquiry into the Conduct of the Authors and Advisers of the Convention with Spain	491
Mar. 10.	The Pension Bill passes the Commons	509
19.	DEBATE IN THE LORDS ON THE PENSION BILL	510
	Another Report of the same Debate, from the Secker Manuscript	510
	The Pension Bill rejected by the Lords	578
	Address of both Houses on the Capture of Porto Bello—The King's Answer	578
28.	Petition of the British Merchants against the Embargo	579
Apr. 15.	Debate in the Lords on a Motion for a Vote of Censure, for not sending Land Forces with Admiral Vernon to America	582
	Another Report of the same Debate, from the Secker Manuscript	582
29.	Mr. Speaker Onslow's Speech to the King on presenting the Money Bills	598
	The King's Speech at the Close of the Session	604
	PRINCIPAL OCCURRENCES DURING THE RECESS—Divisions in the Cabinet—Situation of Foreign Affairs—Efforts of France—Counter Efforts of England—Death of the King of Prussia—And of the Emperor of Germany—Accession of Maria Theresa—Meeting of Parliament	605

SEVENTH SESSION OF THE EIGHTH PARLIAMENT OF GREAT BRITAIN.

Nov. 18.	The King's Speech on Opening the Session	610
	Debate in the Lords on the Address of Thanks	613
	Another Report of the same Debate, from the Secker Manuscript	614
	Protests on rejecting the Address of Thanks proposed by the Duke of Argyle	691
	The Lords' Address of Thanks—The King's Answer	693
	Debate in the Commons on the Address of Thanks	695
	The Commons' Address of Thanks—The King's Answer	696
Dec. 1.	Debate in the Lords on the Vote of Thanks to Admiral Vernon. From the Secker Manuscript	698
	Debate in the Lords on a Motion for Admiral Vernon's Instructions	699

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TABLE OF CONTENTS.

		Page
1740.		
Dec. 1.	Another Report of the same Debate, from the Secker Manuscript	699
	Protest against rejecting the Motion for Admiral Vernon's Instructions	753
	Debate in the Lords on a Motion for Letters from and to Admiral Vernon	755
	Another Report of the same Debate, from the Secker Manuscript	755
	Protest against an Addition made to the Motion for Letters from and to Admiral Vernon	767
	Debate in the Lords on a Motion for Rear Admiral Haddock's Instructions	768
	Another Report of the same Debate, from the Secker Manuscript	768
	Protest against rejecting the Motion for Rear Admiral Haddock's Instructions	843
Nov. 25.	Debate in the Commons on the Bill to prohibit the Exportation of Corn	845
Dec. 2.	Debate in the Commons on a Complaint against a printed Paper entitled "CONSIDERATIONS UPON THE EMBARGO ON PROVISION OF VICTUAL"	867
9.	Debate in the Lords on the State of the Army: And on a Resolution against augmenting it by Regiments	894
	Another Report of the same Debate, from the Secker Manuscript	894
	Protest on rejecting the Resolution against augmenting the Army by Regiments	927
10.	Debate in the Commons on the Augmentation of the Army by New Regiments	928
12.	Debate in the Commons on the Employment of the Half-Pay Officers	991
1741.		
Jan. 12.	Debate in the Lords on the King's Answer to an Address for the Issue of the Prince of Wales to be prayed for. From the Secker Manuscript	996
19.	Debate in the Lords on an Address for Extracts of Treaties from 1714 to 1740. From the Secker Manuscript	998
26.	Debate in the Commons on a Motion for Rear Admiral Haddock's Instructions	1001
27.	Debate in the Commons on the Bill for Paving and Cleansing the Streets of Westminster	1010
28.	Debate in the Lords on a Motion respecting the Appointment of Receivers and Triers of Petitions. From the Secker MS.	1013
	Debate in the Lords on a Motion for Admiral Vernon's Representations for more Ships, &c. From the Secker Manuscript	1015
	Protest against rejecting the Motion for Admiral Vernon's Representations for more Ships, &c.	1017
	Debate in the Lords on a Motion for a Secret Committee to enquire into the Conduct of the War	1018
	Protest against refusing the Motion for a Secret Committee to enquire into the Conduct of the War	1019
Feb. 3.	Debate in the Lords on a Motion for an Address against the intended Augmentation of the Army. From the Secker MS.	1019

Digitized by Google

1741. Page

Feb. 3. Protest against rejecting the Motion for an Address against the intended Augmentation of the Army 1027
Debate in the Commons on the sailing of the French and Spanish Fleets 1035
10. Debate in the Lords on a Motion, "That the Lords should take their due Places." From the Secker Manuscript 1040
Debate in the Lords on a Motion for all the Instructions relating to the Convention with Spain. From the Secker Manuscript 1042
Protest against rejecting the Motion, for all the Instructions relating to the Convention with Spain 1044
13. DEBATE IN THE LORDS ON LORD CARTERET'S MOTION FOR THE REMOVAL OF SIR ROBERT WALPOLE. From the London Magazine 1047
DEBATE IN THE LORDS ON LORD CARTERET'S MOTION FOR THE REMOVAL OF SIR ROBERT WALPOLE. From the Gentleman's Magazine 1153
Another Report of the same Debate, from the Secker Manuscript 1047
Protest against rejecting Lord Carteret's Motion for the Removal of Sir Robert Walpole 1215
Protest against putting a Resolution, "That an Attempt to inflict a Punishment on any Person unheard, is contrary to natural Justice, the fundamental Laws of this Realm, and the ancient established Usage of Parliament, and is a high Infringement of the Liberties of the Subject" 1223
DEBATE IN THE COMMONS ON MR. SANDYS'S MOTION FOR THE REMOVAL OF SIR ROBERT WALPOLE. From the London Magazine 1223
DEBATE IN THE COMMONS ON MR. SANDYS'S MOTION FOR THE REMOVAL OF SIR ROBERT WALPOLE. From the Gentleman's Magazine 1303
24. Debate in the Commons on the Clauses in the Mutiny Bill relating to the Quartering of Soldiers 1388

II. ADDRESSES.

1739. Nov. 15. Of the Lords, on the King's Speech 80
Of the Commons, on the King's Speech 96
1740. Mar. 17. Of both Houses on the Capture of Porto Bello 578
Nov. 18. Of the Lords, on the King's Speech 693
Of the Commons, on the King's Speech 696

III. KING'S SPEECHES.

1739. Nov. 15. On Opening the Session 1
1740. Apr. 29. At the Close of the Session 604
Nov. 18. On Opening the Session 610

IV. KING'S MESSAGES.

1740. Feb. 11. For a Vote of Credit 435

V. PARLIAMENTARY PAPERS.

1739. Oct. 19. Declaration of War against Spain 3

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VI. PETITIONS.

			Page
1740.	Mar. 28.	Of the British Merchants against the Embargo.....	579

VII. PROTESTS.

1740.	Nov. 18.	Against rejecting an Address of Thanks proposed by the Duke of Argyle	691
	Dec. 1.	Against rejecting a Motion for Admiral Vernon's Instructions	753
		Against an Addition made to a Motion for Letters from and to Admiral Vernon	767
	8.	Against rejecting a Motion for Rear Admiral Haddock's Instructions	843
	9.	On rejecting a Resolution against the Augmentation of the Army by Regiments	927
1741.	Jan. 28.	Against rejecting a Motion for Admiral Vernon's Representations for more Ships, &c.	1017
		Against refusing a Motion for a Secret Committee to enquire into the Conduct of the War.....	1019
	Feb. 3.	Against rejecting a Motion for an Address against the intended Augmentation of the Army.....	1027
	10.	Against rejecting a Motion for all Instructions relating to the Convention with Spain.....	1044
	13.	Against rejecting Lord Carteret's Motion for the Removal of Sir Robert Walpole	1215
		Against putting a Resolution, "That an Attempt to inflict a Punishment on any Person unheard, is contrary to natural Justice, the fundamental Laws of this Realm, and the ancient established Usage of Parliament, and is a high Infringement of the Liberties of the Subject"	1223

VIII. OFFICERS OF STATE.

PERSONS FILLING THE SEVERAL HIGH OFFICES IN CHURCH AND STATE FROM NOVEMBER THE FIFTEENTH, 1739, TO FEBRUARY THE THIRTEENTH, 1741.

Archbishops.

1737.	Archbishop of Canterbury ...	John Potter, translated from Oxford.
1724.	------- York	Lancelot Blackburn, translated from Exeter.

Bishops.

1736.	Bishop of St. Asaph	Isaac Maddox.
1737.	----- Bangor.....	Thomas Herring.
1727.	----- Bath and Wells	John Wynne.
1738.	----- Bristol	Joseph Butler.
1731.	----- Chichester	Francis Hare.
1740.	----- ———	Matthias Mawson.

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[*Bishops continued.*]

1730.	Coventry and Litchfield	Richard Smalbrooke.
1731.	St. David's	Nicholas Clagett.
1738.	Ely	Robert Butts.
1724.	Exeter	Stephen Weston.
1734.	Gloucester	Martin Benson.
1723.	Hereford	Henry Egerton.
1738.	Landaff	Matthias Mawson.
1740.	———	John Gilbert.
1723.	Lincoln	Richard Reynolds.
1740.	———	John Thomas.
1723.	London	Edmund Gibson.
1738.	Norwich	Thomas Gooch.
1737.	Oxford	Thomas Secker.
1728.	Peterborough	Robert Clavering.
1731.	Rochester	Joseph Wilcocks.
1738.	Salisbury	Thomas Sherlock.
1734.	Winchester	Benjamin Hoadley.
1717.	Worcester	John Hough.
1734.	Carlisle	Sir George Fleming, Bart.
1726.	Chester	Samuel Peploe.
1730.	Durham	Edward Chandler.

LORD HIGH CHANCELLOR.

1737. Feb. 21. Philip, Lord Hardwicke, (created Viscount Royston, and Earl of Hardwicke, 1754.)

PRINCIPAL SECRETARY OF STATE.

1730. May 8. William, Lord Harrington, (afterwards Earl of Harrington,) vice Lord Townshend.

SPEAKER OF THE HOUSE OF COMMONS.

1727, 1735. ... Arthur Onslow, Esq.

COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH TREASURER OF ENGLAND.

1740. June. Sir Robert Walpole, K. G. Chancellor of the Exchequer.
William, Lord Sundon.
Thomas Winnington, esq.
Giles Earle, esq.
George Treby, esq.

MASTER OF THE ROLLS.

1738. Sept. 29. Hon. John Verney.

ATTORNEY GENERAL.

1737. Jan. 26. Sir Dudley Ryder, knt.

SOLICITOR GENERAL.

1737. Jan. 26. John Strange, esq.

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THE

Parliamentary History.

13 GEORGE THE SECOND, A. D. 1739.

SIXTH SESSION OF THE EIGHTH PARLIAMENT OF GREAT BRITAIN.

THE King's Speech on Opening the Session.] November 15, 1739. The King came to the House of Lords, and opened the Session with the following Speech to both Houses:

"My Lords and Gentlemen,

"The present posture of our affairs has obliged me to call you together, at this time, sooner than has been usual of late years, that I may have the immediate advice and assistance of my parliament at this critical and important conjuncture. I have, in all my proceedings with the court of Spain, acted agreeably to the sense of both Houses of Parliament; and therefore I can make no doubt, but I shall meet with a ready and vigorous support in this just and necessary war,* which the repeated injuries and violences committed by that nation upon the navigation and commerce of these kingdoms, and their obstinacy, and notorious violation of the most solemn engagements, have rendered unavoidable.

"I have augmented my forces by sea and land, pursuant to the power given me by parliament; which I have done by all the moderation that the security and defence of my dominions, the protection of our trade, and the necessary means of distressing and annoying our enemies in the most sensible parts, would admit: but as these services will be various and extensive, they must inevitably be attended with great expences, and some inconveniencies; which, I assure myself, will be sustained with satisfaction and cheerfulness, in pursuing such measures, as the honour and interests of my crown and kingdoms, and the general resentment of an injured and provoked nation, have called upon me to undertake.

"Gentlemen of the House of Commons;

"I have ordered the proper officers to lay before you Estimates for the service of the ensuing year, and likewise Accounts of the extraordinary expences that have been made this year, in pursuance of the power given me by parliament. And as

* "The declaration of war against Spain was received by all ranks and distinctions of men, with a degree of enthusiasm and joy, which announced the general frenzy of the nation. The bells were pealed in all the churches of London; huzzas and acclamations resounded on all sides; a numerous procession attended the heralds into the city, and the prince of Wales did not deem it a degradation to accompany it, and to stop at the door of the Rose tavern, Temple bar, and drink success to the war. The stocks, which had been some time on the decline, rose instantaneously. This unusual circumstance, at the opening of a war, was owing to the sanguine expectation, that hostilities would be carried on at the expence of the enemy. The possessions of Spain in the West Indies were considered as likely to fall an easy prey to the British adventurers. The merchants anticipated the monopoly of the commerce with South America, and the possessions of the mines of Peru and Potosi. But these idle dreams of riches and conquest soon proved fallacious; what the minister had foreseen, now happened; England stood singly engaged in war without an ally." Coxe's Memoirs of sir R. Walpole.

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in the prosecution of this war, a number of soldiers, to serve on board the fleet, may be requisite, I have judged it proper, that a body of marines should be raised, and have directed the Estimates for this purpose to be likewise prepared, and laid before you: and I cannot doubt, from your known affection to my person and government, and your zeal for the safety, prosperity, and glory of these kingdoms, but you will grant me such effectual supplies, and with such dispatch, as may forward and give spirit to our preparations, and enable me to carry on the war with vigour.

"My Lords and Gentlemen:

"The Heats and Animosities, which, with the greatest industry, have been fomented throughout the kingdom, have, I am afraid, been one of the chief encouragements to the court of Spain, to hold such a conduct towards us, as to make it necessary to have recourse to arms; and the unhappy divisions amongst my subjects are the only hopes of the enemies to my government. But whatever views and projects they may form upon this rupture, and what advantages soever Spain may vainly promise itself from any circumstances in the present situation of affairs; it is in your power, by the blessing of God, to defeat the one, and disappoint the other. Union among all those who have nothing at heart but the true interest of Great Britain, and a becoming zeal in the defence of my kingdoms, and in the support of the common cause of our country, with as general a concurrence in carrying on the war, as there has appeared for engaging in it, will make the court of Spain repent the wrongs they have done us; and convince those who mean the subversion of the present establishment, that this nation is determined, and able, both to vindicate their injured honour, and to defend themselves against all our open and secret enemies, both at home and abroad."*

Debate in the Lords on the Address of Thanks.] His Majesty being withdrawn,

Lord *Hinton* rose, and spoke to the following effect:

My Lords; as you have heard his Ma-

* The following is a copy of the Declaration of War against Spain:

"George *R*.

"Whereas many unjust seizures have been made, and depredations carried on, for several years, in the West-Indies, by Spanish guarda costas, and other ships, acting under the commission of the king of Spain, or his governors, contrary to the treaties subsisting between us and the crown of Spain, and to the law of nations, to the great prejudice of the lawful trade and commerce of our subjects; and great cruelties and barbarities have been exercised on the persons of divers of our subjects, whose vessels have been so seized; and the British colours have been insulted in the most ignominious manner; and whereas we have caused frequent complaints to be made to the king of Spain of these violent and unjust proceedings, but no satisfaction or redress has been given for the same, notwithstanding the many promises made, and cedulas issued, signed by the said king, or by his order, for that purpose; and whereas the evils above mentioned have been principally occasioned by an unwarrantable claim, and pretension, set up, on the part of Spain, that the guarda costas, and other ships, authorized by the king of Spain, may stop, detain, and search the ships and vessels of our subjects navigating in the American seas, contrary to the liberty of navigation, to which our subjects have not only an equal right with those of the king of Spain, by the law of nations, but which is moreover expressly acknowledged and declared to belong to them by the most solemn treaties, and particularly by that concluded in the year 1670; and whereas the said groundless claim and pretension, and the unjust practice of stopping, detaining, and searching ships and vessels, navigating in the seas of America, is not only of the most dangerous and destructive consequence to the lawful commerce of our subjects, but also tends to interrupt and obstruct the free intercourse and correspondence between our dominions in Europe, and our colonies and plantations in America, and by means thereof, to deprive us, and our subjects, of the benefits of those colonies and plantations; a consideration of the highest importance to us, and our kingdoms; and a practice, which must affect, in its consequence, all other princes and states of Europe, possessed of settlements in the West Indies, or whose subjects carry on any trade thither; and whereas besides the notorious grounds of complaint above mentioned, many other infractions have been made on the part of Spain, of the several treaties and conventions subsisting between us and that crown, and particularly of that concluded in the year 1667, as well by the exorbitant duties and impositions laid upon the trade and commerce of our subjects, as by the breach of ancient and established privileges, stipulated for them by the said treaties; for the redress of which grievances, the strongest instances have been, from time to time, made by our several ministers residing in Spain, without any effect; and whereas a convention, for making reparation to our subjects for the losses sustained by them, on account of the unjust seizures and depredations committed by the

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jesty's most gracious Speech from the throne, and as it is our duty to return some sort of answer by way of an Address, I should not think myself under a necessity to say any thing in favour of the motion which I am to make, in pursuance of a custom so reasonable and so long established, if it were not that, upon so extraordinary and important an occasion, I think we ought to express our duty and affection to our sovereign, in terms more explicit than usual. For this reason, I must beg leave to say something with regard to the measures his Majesty has pursued, and with regard to the situation in which we are at present.

As to the measures pursued by his Majesty, my Lords, it is well known, that he has in every thing followed the advice given him by his parliament. According to

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Spaniards in America, and in order to prevent for the future all the grievances and causes of complaint therein taken notice of, and to remove absolutely, and for ever, every thing which might give occasion thereto, was concluded between us, and the king of Spain, on the 14th day of January last, N. S. by which convention it was stipulated, That a certain sum of money should be paid at London, within a term therein specified, as a balance admitted to be due, on the part of Spain, to the crown and subjects of Great Britain, which term expired on the 25th day of May last, and the payment of the said sum was not made, according to the stipulation for that purpose; by which means the convention above mentioned was manifestly violated and broken by the king of Spain, and our subjects remained without any satisfaction or reparation for the many grievous losses sustained by them; and the methods, agreed upon by the said convention, in order to the obtaining future security for the trade and navigation of our subjects, are, contrary to good faith, frustrated and defeated: in consequence of which, we found ourselves obliged, for vindicating the honour of our crown, and for procuring reparation and satisfaction for our injured subjects, to order that general reprisals should be granted against the said king of Spain, his vassals and subjects, and their ships, goods, and effects: and whereas the court of Spain has been induced to colour the open violation of the convention aforesaid, by reasons and pretensions, which are void of all foundation: and, at the same time, has not only published an order, signed by the said king, for seizing the ships, goods, and effects belonging to us and our subjects, wherever they shall be met with, but has caused seizures to be actually made of the goods and effects of our subjects, residing in his dominions, and has also ordered our said subjects to depart out of the Spanish dominions, within a short limited time, contrary to the express stipulations of the treaties between the two crowns, even in case of a war actually declared: we have taken into our royal and most serious consideration these injuries, which have been offered to us and our subjects, and the manifest violation of the several treaties subsisting between the two crowns; all which have been, in many particulars, eluded, or evaded, by the unwarrantable behaviour of the court of Spain, and their officers, notwithstanding the repeated instances we have given of our desire to cultivate a good understanding with the king of Spain, and the essential proofs of our friendship and regard for him and his family, which we have demonstrated to all the world: and being fully satisfied, that the honour of our crown, the interest of our subjects, and that regard, which ought to be had to the most solemn treaties, call upon us to make use of the power, which God has given us, for vindicating our undoubted rights, and securing to our loving subjects the privileges of navigation and commerce to which they are justly entitled: we, therefore, relying on the help of Almighty God, who knows the uprightness of our intentions, have thought fit to declare, and do hereby declare war against the said king of Spain; and we will, in pursuance of such declaration, vigorously prosecute the said war, being assured of the ready concurrence and assistance of all our loving subjects in so just a cause, wherein the honour of our crown, the maintenance of our solemn treaties, and the trade and navigation of our subjects, (which are so essential to the welfare and prosperity of this nation, and which we are determined, at all times, with our utmost power to preserve and support) are so greatly concerned: and we do hereby will, and require, our generals and commanders of our forces, our commissioners for executing the office of high admiral of Great Britain, our lieutenants of our several counties, governors of our forts and garrisons, and all other officers, and soldiers under them, by sea and land, to do and execute all acts of hostility in the prosecution of this war against the king of Spain, his vassals, and subjects, and to oppose their attempts: and we do hereby command as well our own subjects, as advertise all other persons of what nation soever, not to transport, or carry any soldiers, arms, powder, ammunition, or other contraband goods, to any of the territories, lands, plantations, or countries of the said king of Spain; declaring, that whatsoever ship or vessel shall be met withal, transporting, or carrying any soldiers, arms, powder, ammunition, or other contraband goods, to any of the territories, lands, plantations, or countries of the said king of Spain, the same, being taken, shall be condemned as good and lawful prize. Given at our court at Kensington the 19th day of October, 1739, in the 13th year of our reign.

God save the King."

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that advice, he endeavoured as much as possible to obtain justice and satisfaction from Spain by peaceable means. He even avoided putting the nation to the expence of warlike preparations, till he was advised by his parliament to insist peremptorily upon immediate satisfaction for past injuries, and absolute security against future; and when the Spaniards saw that his Majesty, by the advice of his parliament, not only threatened, but was preparing to make the just resentment of this nation fall heavy upon them, they then thought fit to procrastinate at least the effects of that resentment, by agreeing to reasonable terms.

To a trading nation, my Lords, especially a nation like this, whose interest it is to remain satisfied with its own possessions, without attempting to make conquests upon its neighbours, a state of war must always be dangerous and inconvenient, and can never be attended with any great advantage. This his Majesty was fully sensible of, and therefore he ratified the Convention agreed to by Spain. This the parliament was fully sensible of, and therefore that Convention was last session approved of by a majority in each House, though both his Majesty and his parliament saw that it was not so satisfactory as might have been expected, and that as to most of the articles in dispute, it was rather a preliminary than a definitive treaty; but by a fatality, happy, I hope, for this nation, the Spaniards refused to comply with the terms they so solemnly agreed to by that Convention, though those terms were the most moderate this nation could accept of, and more moderate by far than the Spaniards had reason to believe we would accept of. These terms, I say, without the least failure on our part, the Spaniards thought fit not to comply with, and thereby they rendered it necessary for his Majesty to begin hostilities against them, in pursuance of that advice which had been given him by his parliament. This he accordingly did as soon as he could find an opportunity, and when he found, that the gentle method of reprisals would not be sufficient for bringing them to reason, he declared war against them in form.

Thus, my Lords, his Majesty has, in every step of his past conduct, pursued that advice which was given him by his parliament. From hence we may presume, he will follow the same advice in every step of his future conduct; and from hence we may promise ourselves success in all our public undertakings; for this nation has always been happy and successful, when our sovereign followed the advice of his parliament. In all such cases, the parliament unanimously agreed to support their sovereign, in the pursuit of those measures which they themselves had advised: it was their duty to do so; and the people heartily concurred in rendering every step successful. This has been the happy state of this nation in some former reigns, and as none of our kings ever shewed a greater regard for the advice of parliament, than his present Majesty has always done, I hope that, in duty and affection to their sovereign, the present generation will take care not to fall short of their ancestors in any former reign.

His Majesty, my Lords, by your advice, is now engaged in an open and declared war. It is one of the most just and necessary wars this nation was ever engaged in; for the Spaniards have not only heaped many injuries upon us, but have broke through the most solemn engagements that were ever made by any nation. What their reason was for treating us in this contemptuous manner, his Majesty has told us in his Speech from the throne, and I am convinced it was the only true reason. They saw there were great animosities and divisions amongst us, and from these they hoped to reap some advantage, in case of a war; or perhaps they imagined, our government would not, on account of these animosities and divisions, dare to vindicate the honour, or assert the rights of the nation. If their hopes of impunity were founded upon the latter of these expectations, they have already found themselves disappointed; and if upon the former, I hope, they will at last find themselves equally mistaken: I hope the unanimity that shall this day be shewn, in agreeing to what I am to propose, will convince them, that if there were any divisions amongst us, they are now at an end; and that therefore they can from thence expect no advantage in the prosecution of the war.

This, my Lords, may probably put a speedy, as well as honourable end to the war, which is, I am sure, what every one of your lordships most heartily wishes to see. His Majesty has already taken all possible care, by providing for our defence at home, to prevent its being in the power of our enemies to hurt us; and as soon as the season will permit, we may attack them with such a force, as they cannot,

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in all human probability, resist. They can, therefore, have no hopes in prosecuting, no more than they had in provoking the war, but such as are founded upon divisions amongst ourselves. If it had not been for such hopes, I am fully convinced they would never have provoked us to war; and if, by a cordial union amongst ourselves, we should put an end to these hopes, I am as fully convinced, they will soon begin to think of preventing a farther prosecution by a speedy submission.

For this reason, my Lords, we ought this day, I think, to be more full and explicit in our expressions of duty and affection to his Majesty, than is usual upon such occasions; and, for the same reason, we ought to be unanimous in those expressions of duty and affection that are necessary upon this occasion. This is what I most heartily wish for, and therefore I have taken all possible care to avoid inserting any thing in my proposition, that may occasion the least objection or difficulty. If there is any thing in it that, to some lords, may appear a little extraordinary, I hope I have given sufficient reasons for it, therefore shall add no more, but conclude with moving your lordships, "That an humble Address be presented to his Majesty, to return him the thanks of this House, for his most gracious Speech from the throne: Thankfully to acknowledge the regard his Majesty hath expressed for the sense of both Houses of Parliament, in his proceedings with Spain; and the confidence shewn in his people, by desiring to have the advice and assistance of parliament, as early as possible, in this important conjuncture: To declare our just resentment of the injurious and offensive conduct of the court of Spain, aggravated by their violation of the most solemn engagements, and their ingratitude for the highest obligations; and to express our sense of the justice and necessity of the war declared against that crown: To assure his Majesty, that we will zealously concur in all such measures as may forward his preparations, and enable him to carry on the war with vigour: To acknowledge the gracious disposition which his Majesty hath expressed for the ease of his people, by acquainting us, from the throne, that he has augmented his forces with all the moderation that was consistent with the desirable ends he has pointed out to us; and to declare our firm persuasion, that whatever shall be necessary for the prosecution of the war will be cheerfully borne by his faithful subjects: To express our deep concern, that any Heats and Animosities have been fomented throughout the kingdom, especially at a time, when the most perfect union is necessary against the common enemy, which we shall endeavour to our utmost to promote: and to give his Majesty the strongest assurances of our firm and unalterable zeal and affection for his sacred person and government, and the Protestant succession in his royal House."

Viscount Falconberg seconded the motion.

Lord *Carteret* stood up, and said *:

My Lords; as this is one of the greatest, one of the most important con-

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* *From the Secker Manuscript.*

Nov. 15. King's Speech.

Hinton moved for an Address.
Falconberg seconded.

Carteret. I approve almost the whole motion. I congratulate the King and nation that we have weathered our negotiations. Now the advice of our generals and admirals must be taken, and then I shall not find fault with want of success. The King hath it in his power to make as great a figure as any prince that ever sat on the throne. He hath it in his power to take and hold in America. Nobody would connect with you till they saw you were willing to help yourselves. The sixth Article of the treaty at the Hague 1701, says, 'Whatever Spanish territories shall be taken by the English forces shall be retained by them." This should be done now. France will not engage if this is carried on with spirit and speed. There is no such thing as division amongst ourselves in this affair. The King sits securer than ever he sat. The French cannot invade us nor join the Spaniards. They may disturb Europe: but then we shall get allies. It is not negociations that will get allies. Let us leave out the words which express a concern for our Heats and Animosities. Divisions of opinions in parliament have produced this great affair. Neither the king of Spain nor any other court thought we would go to war. The surprize hath added to the grandeur of what we have done, and will bring all Europe to us. Though the persons of men may not be changed, yet a new hypothesis makes a new administration. The nation cannot be cheated about the conduct of the war. Go to the best officers. There are but few malcontents, and if there are any they are made, I would not disturb the unanimity of the House for these words.

Newcastle. Though the interest of France is the same with ours in this case, yet they may

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junctures that ever happened to this nation, I desire and wish as heartily as the noble lord who made you this motion, or any lord can do, that we may be unanimous in the Resolution we come to upon this occasion. The greatest part of the noble lord's motion, I highly approve of. There are only a few words towards the latter end, which I think might have been left out; and as they are, in my opinion, quite unnecessary, I hope the noble lord will, for the sake of that unanimity he so much desires, agree to have them left out of his motion. The words I mean are, 'That it gives us inexpressible concern,' with the following, which make the last paragraph but one of the noble lord's motion. These words, I humbly think, my Lords, are quite unnecessary; and, as they may give offence to some lords, and may occasion an opposition to a Resolution, which would otherwise be unanimously agreed to, I hope the noble lord will not insist upon their standing a part of his motion. But I offer this as my opinion only, I do not make it my motion, because I am resolved to wait till I hear what may be said by other lords upon this head.

My Lords, we have now weathered the point of negotiation, and are fairly launched out in the open sea of a declared war. God grant we may meet with a prosperous gale! We have human probability of our side, and as we have justice likewise of our side, we have reason to expect the favour of Providence; therefore I have no doubt of a successful voyage, if we take care to put ourselves under the direction of good pilots. Ministers and negotiators will not, I hope, I am sure they ought not now, to be our advisers. We have good generals, we have brave and experienced admirals: we must now chuse them for our pilots: we must take their advice; and, if their advice be taken, and vigorously pursued, I shall not hereafter find fault with events, on account of any cross accidents we may meet with in the prosecution of the war. Providence only can direct events, but men can plan; and if the plan be good, if the scheme be well laid, no man ought to find fault with the event. But, if the forming of our schemes for the prosecution of the war be left to ignorant and pusillanimous counsellors, we cannot expect they should be right; and a wrong scheme may be found fault with, even though the event should, by an extraordinary interposition of Providence, prove successful.

In the prosecution of the present war, I hope every man will, in his proper sphere, contribute as much as he can towards the success of his country. My lords, I am persuaded every man will; because no war was ever entered into with greater unanimity amongst all ranks and degrees of men. We cannot, therefore, justly say any thing, upon this occasion, of animosities and divisions. If there were ever any domestic animosities or divisions amongst us, they were occasioned by our

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have other views than this particular interest. The words objected against are not designed to reflect on what is past. King William spoke in the same manner. Spain depended on it, that our divisions would be such as that we should not declare war.

Bedford.

Talbot. I hope on such occasions there always will be divisions, let them end as they will.

Chesterfield. I am sorry these words are in the Address: but more sorry that words like them are in the Speech. The animosity was between the whole nation on one side and not the whole administration on the other. It will not be a good omen if they who were against the war are consulted in the conduct of it.

Hervey. Every one admits the animosity, but interprets it differently. The King is to be understood; Whatever hath been the cause, let all be forgot.

Scarborough. If a stranger were to hear these things he would think you were lamenting the opposition of the people to the war against Spain.

Hardwicke, C. This is one of the most gracious admonitions that ever came from the throne. Nothing confines the animosities mentioned to the occasion of the Convention.

Winchelsea.

Argyle. I am not obliged to approve what the House hath approved, because each lord hath a right of protesting. The Convention is condemned by the Declaration of War. For that mentions the Spanish barbarities and insults upon our flag: for which the Convention provided no satisfaction. These words in the Speech are peevishness only. The Speech from the throne either is or ought to be by the advice of the minister.

Bathurst.

Ilay.

Halifax. Say, "We are concerned that his Majesty should think there are divisions, but if there are," &c.

Question upon the Motion.

C. 68, of which the bishop of Oxford was one.
N. C. 41.

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tamely submitting to so many foreign insults. These his Majesty's Declaration of War has put an end to, and nothing can revive them but a slackness in the prosecution. For this reason I wish they had not been mentioned upon this occasion. I am afraid it is ominous: it looks as if some people were suspicious that the war will not be pushed in such a vigorous manner as a people greatly injured, and justly enraged, may have reason to expect. If this be the case, they have good reason to warn us against animosities and divisions; but their warnings will be in vain. Our former divisions will revive, and our animosities may increase to such a degree, as to endanger the domestic tranquillity of the nation, unless they be appeased by a sacrifice of those who were the cause of their being revived.

For this reason, I say, my Lords, I wish I had heard nothing of animosities or divisions upon this occasion; and I am surprized how any such thing could creep into his Majesty's Speech. In a free country, such as this, lords or gentlemen may differ in their opinions about public measures; and as the interest of their country is concerned, they may, they ought to support their opinions with fervency and zeal: but that difference in opinion is not to be called a division; nor is that fervency to be called animosity. Something of our divisions and animosities was, I remember, mentioned in a piece that was handed about as the Manifesto of Spain. This I was no way surprised at; because in Spain they can have no difference in opinion about public measures; at least, if they have, they dare as little declare it, as they dare declare their difference of opinion about matters of faith or religion; therefore they might probably mistake one for the other, by supposing that to be a division amongst us, which was really nothing but a difference in opinion. But, I hope, his Majesty's ministers are better acquainted with the constitution of their country, than to fall into any such mistake; and they should, particularly upon this occasion, have avoided saying any thing about divisions or animosities, because it will confirm the Spaniards in the mistake they are in; and may, as the noble lord apprehends, encourage them to continue the war, in hopes that they may be able to reap some advantage from our divisions.

From hence your lordships must see, that no such thing ought to have been mentioned in his Majesty's Speech from the throne; and much less, I am sure, ought it to be mentioned in our Address. If his Majesty's ministers have fallen into a mistake, and a mistake too that may be attended with such a bad consequence as that of prolonging the war, shall we, in our Address, out of pure complaisance, echo that mistake back to the throne, and thereby render infallible the bad consequence which we might otherwise have prevented? Shall we, my Lords, be so uncharitable as to think, and much less to say, that all those who differ from us in opinion about public measures, are promoters of divisions, and fomenters of heats and animosities? It is impossible that any lord should expect an unanimous concurrence in such expressions. They are expressions that can properly be made use of by none but the arbitrary ministers of an absolute monarch; and therefore, I was not a little surprised at seeing any thing like them in his Majesty's Speech from the throne; but I was much more surprised to find the obstinacy of the Spaniards imputed to the heats and animosities that have been fomented amongst us. It is a maxim in this House, to look upon his Majesty's Speech from the throne, as the speech of his ministers; and nothing can contribute more to shew the justness of this maxim, than that of imputing the obstinacy of the Spaniards to any heats or animosities that have been fomented amongst us.

Almost every man in the nation, I believe, is now convinced, at least every man that thinks at all about public affairs, must be convinced, that the strange obstinacy of the Spaniards has all along proceeded from the known passivity of our ministers. We submitted tamely to the first insult they put upon us, that encouraged them to put a second; we bore the second with patience, that encouraged them to put a third. Upon the third we modestly complained, and humbly prayed to negociate; that encouraged them to put a fourth: and thus we continued submitting and negociating, and they continued plundering and insulting, till, at last, I really believe, they began to think that no sort of treatment could provoke us to commence hostilities, or declare war against them. Thus, by the tame and submissive temper of our ministers, the Spaniards have been encouraged to hold such a conduct towards us, as to make it necessary, even for our ministers, to have recourse to arms; and now those very ministers, in

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order to remove the load off of their own shoulders, come and tell us, that those who complained of their submissive conduct, and often told them what it would end in, were fomenters of heats and animosities; and that those heats and animosities were the chief cause of that obstinacy which Spain has shewn in her conduct towards us.

I shall readily grant, my Lords, that the just complaints of our plundered merchants, and the regard shewn to those complaints by the whole nation, excepting a very few persons, were the immediate cause of the war, because they forced our ministers to alter their conduct; but, I hope, neither the complaints of the merchants, nor the regard shewn to them by the people, are to be called heats and animosities; and call them by what names you will, they were not the cause, but the effect of that obstinacy in Spain, of which the tameness of our ministers was the cause; consequently, it is in this tameness alone we are to seek for the original cause of the present war; for if our ministers had resented, as they ought, the first injury that was done to our merchants by the Spaniards, it would have prevented a second; and, for the first, we might by reprisals, if not by fair means, have obtained redress, without coming to an open rupture: Or if we had then come to an open rupture, we should have prevented a very great prejudice the nation has suffered by an interruption of its trade, and many considerable losses our merchants have sustained by the plundering and seizing their ships; and I believe no man will say, we had not then as favourable an opportunity for engaging in a war against Spain, as we have at present.

Having thus, my Lords, shewn what it really was, that encouraged the Spaniards to provoke us to war, I must observe, that if they still continue obstinate, it will, I believe, be owing to the same cause. They are sensible of the superiority of our naval force, which, at the same time that it enables us to hurt them in the most sensible part, may prevent their being able to hurt us in any; and they can have no hopes to reap any advantage from those divisions and animosities, which, if there were any amongst us, his Majesty has put a final end to, by declaring war against them. Their hopes, therefore, can depend upon nothing but upon our not prosecuting the war with wisdom and vigour. They may, perhaps, hope, that the same perplexed and timorous spirits will hereafter prevail in our warlike measures, that formerly prevailed in our peaceful negociations; and if they continue obstinate in prosecuting the war, I shall conclude that they entertain some such hopes; but I trust in God they will find themselves disappointed. Our generals and our admirals are men of a different cast from what they have experienced in our ministers and negociators; and if the conduct of the war be committed to the care of our generals and admirals, as I hope it will, the Spaniards will soon find they have nothing to trust to, but our mercy and forgiveness.

I shall join with the noble lord in supposing, that every one of your lordships wishes to see a speedy as well as honourable end to the war. It is very much the business of this nation to make the war as short as possible; and the most effectual method for rendering it short, is to make it violent. War is a sort of storm, and like other storms, the more violent it is, the sooner it will be over. If we push it vigorously, and in the right place, it cannot be of long continuance. For this purpose the West-Indies is the only proper place. We may plague and harrass the enemy by making incursions upon the continent of Old Spain, and by burning the ships in their harbours, as often as we can get an opportunity; but America is the place where we ought to direct our chief force. There the Spaniards cannot resist us, and there we may do more than make incursions. We may there take and hold such places, as we think may be either convenient or useful. It is what Spain cannot hinder: it is what Europe cannot prevent; and by holding the places we take, we add to our own strength, at the same time that we diminish the strength of our enemy.

The late king William I shall always, my Lords, have a great regard for. His actions were right: even his thoughts were right. He knew the most proper way for this nation to push a war against Spain. He knew that the West-Indies was the place where we could most injure the enemy, and benefit ourselves. For this reason, in the treaty of grand alliance concluded between the Emperor, England, and Holland, in the year 1701, he took care, by the 6th Article of that treaty, to stipulate, that it should be lawful for him, and the Lords the States General, by common advice, and for the benefit and enlargement of the navigation and commerce of their subjects, to seize, by their forces,

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what lands and cities they could, belonging to the Spanish dominions in the Indies; and that whatsoever they should so take, should be their own. That great and wise prince did not live to prosecute his design, but this Article shews what were his thoughts, and even the thoughts of such a man may be of great use to his country. After his death, we had not such an influence upon the councils of the States General, as we had before. They began to think it was more for the interest of the confederacy to make conquests in Europe than to make conquests in the Indies, therefore they refused to join with us in any undertaking against the Spanish dominions in the Indies, and we could not engage in any such without their concurrence. The war, it is true, could hardly be more glorious and successful than it was; but it would probably have been of shorter duration, and would certainly have been more advantageous for this nation, if the scheme formed by king William had been followed in every part.

If we have now, my Lords, the misfortune of having no allies, we have, at least, this advantage resulting from it, that in our present war against Spain, we may follow the plan laid down by that glorious prince without any restraint, and without asking the advice of any power in Europe; therefore, I hope this is the plan now resolved on, for our future operations. I hope they will be chiefly directed towards seizing such lands and cities belonging to the Spanish dominions in the Indies, as may contribute towards the benefit and enlargement of our navigation and commerce; or at least, such as are necessary for securing the freedom of that navigation and commerce, which we have now a right to in those parts of the world. We have met with such provocations from Spain, as must render this war just on our part, in the eyes of every impartial judge; and, in the prosecution of a just war, no power in Europe has a right, few of them can have an inclination to direct us, or to restrain us from making such conquests as may be sufficient for answering the charge of the war, as well as such as may be necessary for preventing our meeting with any injustice for the future.

The Spaniards, my Lords, have for many years behaved towards us, not only in the most unjust, but in the most cruel and barbarous manner. They have not only in the most contemptuous manner insulted the crown, but they have in the most barbarous manner injured the subjects of these kingdoms; and that, at a time when they were professing the greatest friendship towards us, and receiving many acts of friendship from us. They have for several years been dealing with us in the most treacherous manner: but I shall avoid giving hard names. I would not give hard words even to the Spaniards; but I would, and I hope we shall, give them very hard blows; and that, upon the most sensible part. Every one knows, my Lords, where that is. It is in America, where we can make them feel most sensibly the weight of our resentment: it is by conquests in that part of the world, where we can most effectually secure or enlarge our commerce and navigation; and it is there, where they can least resist us. If they have none to assist them, we must, by attacking them vigorously in that part of the world, bring the war to a speedy issue, and to an issue that will be advantageous as well as glorious to this nation.

What then have we to fear, my Lords? From a war with the Spaniards we have nothing to fear; but from a peace with them, unless it be such a one as we shall prescribe, we have a great deal to fear. Former experience has shewn, that we have nothing to fear from the force of their arms in time of war; but late experience has shewn, that we have something to fear from their treachery in time of peace. But some persons amongst us may, perhaps, be frightened lest the Spaniards should be assisted by some of the other powers of Europe. My Lords, they can be assisted by none but the French; and France, in its present circumstances, and according to that which seems to be its present scheme of politics, will, I believe, be very loth to engage in a war with this nation. The great age of him who now so worthily presides over the councils of that kingdom, must make him desire to end his days in peace; and therefore it is not probable that he will engage in a dangerous war, for supporting the romantic and unjust pretensions of the court of Spain; pretensions which may one day prove as troublesome and prejudicial to France, as they have lately proved to England. Besides, the French seem now to be more intent upon extending their trade, than upon extending their dominions; and, in a war with this nation, their trade must suffer in every branch: nay, if we exert ourselves as we ought, it must be entirely suspended.

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But the difference, my Lords, between this nation and France is, that our trade is our chief support, and therefore we must sacrifice every other view to the preservation of our trade: whereas the chief support of France does not depend upon its trade, and for this reason the French may, on account of other views, make a sacrifice of their trade for a time. But suppose they should resolve to make a sacrifice of their own trade, in order to distress the trade of this nation, by joining openly with Spain against us, what can they do? They must fight us by sea, or not at all: they can attack us no other way; and there we are greatly superior. The navies of France and Spain joined together, are no match for the navy of Great Britain; and, if we should destroy the first squadron they fit out, we might ruin the dominions of both in the West Indies, before they could be able to fit out another. To talk of their invading us here at home, as long as we are united amongst ourselves, is a mere bugbear. We have already properly provided against it, by augmenting our land forces, and by covering the sea with our ships of war. The sea, my Lords, when so covered, is our defence and our safeguard; when not so covered, it is our prison. His Majesty's declaration of war against Spain has healed all our divisions. There is now no animosity in the kingdom, but a most general one against the Spaniards; and an invasion from France, upon the present occasion, would unite us more firmly than ever. They cannot therefore attempt to invade us, without sending at once such an army as would be sufficient for conquering the kingdom. For this purpose, they must send a very great army of horse as well as foot; and the providing of ships for transporting such an army, would take up so much time, and make such a noise abroad, that we must hear of it; in which case, we could easily send a squadron superior to any they can fit out, to burn their ships in the harbour, or to intercept them, if they dared put to sea.

In short, my Lords, France, by joining in the war, must ruin her own trade, and may distress ours a little, but she cannot otherwise hurt us; and if we are not obliged to maintain great armies upon the continent of Europe, as we were in the last war, we may send such a naval force to the West Indies, as both France and Spain joined together cannot resist; the consequence of which would be, the loss of all the dominions belonging to both these nations in that part of the world. Therefore, if the French should resolve to join with Spain in the present war, they can do it no way with any effect against us, but by endeavouring to overturn the balance of power in Europe, and for that purpose raising a new war upon the continent, which would of course make our former allies sue to us, for renewing the ancient confederacy against France and Spain.

Our former allies, nay, all the powers of Europe, my Lords, are already surprised at our declaration of war. If we pursue it with wisdom and vigour, it must, in all human probability, be successful; and this will make the powers of Europe begin to respect us, as much as they have lately despised us. His present Majesty may be made the greatest and most glorious prince that ever sat upon the British throne; but if our warlike measures should still be interrupted, or rendered languid, by that spirit of negociation which has so long prevailed, the opportunity will soon be lost; and if it should, God forgive them that shall be the cause of so much reproach to their Sovereign, and of such irretrievable hurt and ignominy to their country.

In the present war, my Lords, we have as yet no occasion for any allies: I do not know that we shall; but if we should, we may still find great and powerful allies in Europe. The power of the House of Austria is not yet become so despicable, as our advocates for peace have endeavoured to represent; and I hope no man in Britain is now afraid of the overgrown power of that House. It was never in this kingdom a national jealousy, nor could it ever be made so, notwithstanding the great pains that were taken, a few years since, to inculcate and propagate such a jealousy through all parts of his Majesty's dominions. The emperor, therefore, may still be a most useful ally to us, and certainly would be so, if we were in any real danger; because we shall always be a most useful ally to him, when the balance of power is in danger, at least, I am sure, we ought to be so. The king of Prussia likewise is a power whose alliance we may always depend on, if we follow right measures; and another power, which is now as formidable as any in Europe, will always, I believe, be fond of cultivating a close alliance and friendship with this nation. Even the Dutch, I believe, might easily be brought in to pursue more vigorous measures than they have done of late years. But these things are not to be

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done by negociation. They are to be done by vigorous measures on our side, especially in those affairs that particularly regard ourselves. If we shew the powers of Europe, that we dare resent our wrongs, and vindicate our rights, and that we can do it in a wise and vigorous manner: if we shew them, that we can stand upon our own legs, they will apply to us; they will court our favour, because they will from thence see, we can give them assistance. A nation, like a private man, must in vain expect assistance from its neighbours, if they believe it cannot help itself. Notwithstanding the great pains taken by some of our late dealers in negociation, to make the world, as well as ourselves, believe, that we are in a weak and helpless condition; I hope we shall now shew, that we are still able to make the proudest nation in Europe repent her having dared to insult us.

The hypothesis of our politics, is now, I hope, quite altered. We are now, my Lords, I hope, upon a right hypothesis; and if that hypothesis be vigorously and steadily pursued, no matter by whom; for it is not men, but the hypothesis of our late conduct, that I have found fault with. If the same men should alter the course of their measures: if they should lay down a right hypothesis, and follow that hypothesis in a proper manner, I shall be as ready to approve, as ever I was to blame their conduct. But if they have a mind to alter their conduct in time to come, they will forget, they must even approve of the opposition that was made to their conduct in time past; and therefore, they will be far from presuming to say, that the authors of that opposition were fomenters of heats and animosities, or that there is now subsisting any division in the nation. There is really no such thing now amongst us, nor can there be any such thing in the course of the present war, if it be carried on with a design to revenge us, and not with a design only to amuse us. Therefore, I was surprised to hear any thing of divisions and animosities mentioned in his Majesty's Speech, but I am much more surprised to hear our divisions and animosities made a part of a motion in this House, and that by a noble lord, who at the same time says, he has taken all possible care to avoid inserting in his motion, any thing that may occasion the least objection or difficulty, and that he most heartily wishes we should be unanimous upon the present occasion.

But suppose, my Lords, there had been any real divisions and animosities amongst us: suppose these divisions and animosities were still subsisting: would it be right in us to publish it to the world? Our enemies are apt enough to say we are a factious and divided people: we find they do say so; and they will certainly endeavour to propagate that opinion among those who incline to be our friends. Shall we then, by an Address, which we know will be published in all the foreign Gazettes, give the world good ground to believe so? Will not this encourage those who are already our declared enemies to prolong the war? Will it not encourage those who are as yet our secret enemies to declare openly against us? Will it not discourage our friends from giving us any assistance? If we should come to stand in need of any alliance, there is nothing, in my opinion, can be more effectually done for preventing its being in our power to procure one; therefore, I hope, the noble lord will agree to leave out of his motion every expression that may seem to insinuate, as if there were divisions and animosities still subsisting amongst us, especially since those expressions must be looked on as a reflection upon lords, who have, upon former occasions, happened to differ from him in opinion, and consequently must occasion an opposition to a motion which would otherwise be unanimously agreed to.

The Duke of *Newcastle:*

My Lords; I shall be heartily glad to see the Resolution we come to upon this occasion unanimously agreed to; but I would not have us, even for the sake of unanimity, be guilty of any sort of disrespect to his Majesty. As he has mentioned, and, I think, properly and seasonably mentioned divisions, heats, and animosities, we ought, in respect to him, to make some sort of answer to that part of his Speech; and, in my opinion, we cannot make a more proper answer, than what the noble lord has been pleased to propose. That there have been divisions amongst us, and that those divisions have been fomented, and even carried the length of heats and animosities, is what, I think, no man can deny. I beg pardon, my Lords, I do not mean in this House, or among your lordships. Your lordships may differ in opinion, and you may support your respective opinions with fervency and zeal. I know you always will, because you have the good of your country

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sincerely at heart. But your lordships support your opinions with temper and discretion, and never allow a difference in opinion to transport you into any heat or animosity.

This, my Lords, has been, this, I hope, will always be, the laudable behaviour of your lordships both within doors and without; but this cannot be said of the rest of the nation. Their differences in opinion may sometimes flow from a difference that has arisen in this House: they may follow your lordships in their differences, but few of them know how to imitate you in temper and moderation. This is the cause that differences in opinion, about matters of a public nature, often create divisions among the people without doors; and those who are disaffected to his Majesty's person and government, always endeavour to nurse these divisions up into heats and animosities, and too often succeed in their attempts. Whatever is said, therefore, in his Majesty's Speech, whatever may be said in your Address, about divisions, heats or animosities, can relate only to the people without doors: it can no way relate to your lordships, and consequently no lord can have reason to think himself reflected on by any such expression.

But suppose, my Lords, there never had been, nor were now, any such thing as divisions, heats, or animosities in the nation, yet, as such misfortunes are too frequent in every free country, it was right in his Majesty to caution us against them. It was a most seasonable advice upon the breaking out of a war, which may be heavy, dangerous, and tedious, though it has at present the appearance of not being so. The noble lord who spoke last, expressed a great regard for the late king William. I shall readily join with him in testifying my esteem for that great prince; and therefore, I must approve of his Majesty's giving us a caution at this juncture against heats and animosities, because king William did the same upon a like occasion. That prince, in his last Speech to his parliament, when war against France and Spain was resolved on, though not then declared, recommended it particularly to his parliament to avoid all manner of disputes and differences, and to lay aside those unhappy, fatal animosities, which divided and weakened this nation. For this reason, if the example of king William can be of any weight, and I must think it ought, we must approve of the advice his Majesty has given us upon this occasion: and if we approve of it, we ought to say something in return.

In this, my Lords, his Majesty has done no more than follow the example of king William; and as he equals that prince in many other virtues, so he equals him in a true regard for the glory and happiness of his kingdoms, which, I am convinced, will be manifested in a prudent and vigorous prosecution of the present war. King William in my opinion, and I believe, in the opinion of every man that hears me, judged right when he supposed that the Indies was the proper place for carrying on a war against Spain. His present Majesty we may suppose, from what he says in his Speech, to be of the same opinion. He has told us, that he has augmented his forces by sea and land, as the necessary means of distressing and annoying our enemies in the most sensible parts, by which he certainly means the Indies; and, I believe, no man supposes that we ought to exhaust our strength in attacking any of their dominions in Europe. We may therefore suppose, that his Majesty will certainly push the war against Spain with the greatest vigour in the Indies; and if he had occasion for it, he would as certainly make stipulations in every alliance he enters into, for our keeping possession of the conquests we may make in that part of the world. It was necessary for king William to make such a stipulation in the alliance he at that time concluded with the Emperor, because, by that alliance, the dominions of Spain were to be given to a branch of the House of Austria. But as his present Majesty has no such design, he has no occasion for any such stipulation. If we now make any conquests in that part of the world, as I hope we shall, no ally we can have in the present war, will have a right to prevent our keeping possession of what we conquer: whereas, by the alliance we then entered into, the Emperor would have had a right to prevent it, if it had not been for that stipulation.

I do not see, my Lords, how any of our former measures can be properly brought under our consideration in this debate. I wish we could all forget our differences about past measures, and heartily unite in such measures for the time to come, as may redound to the glory and advantage of our country. But as the noble lord who spoke last, was pleased to throw out some things that may be looked on as reflections upon our past measures, I think it incumbent upon me, considering the

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post in which I have the honour to serve his Majesty, to say something in their justification. I have approved of our public measures, my Lords, for several years past: I still approve of them: nay, I so much approve of them, that if any one of them had been otherwise than it was, I am convinced, I should have disapproved of it. The noble lord has found fault with several of our measures: he has particularly, upon this occasion, found fault with our negotiations for preventing a war, which, of all others, are, in my opinion, the most justifiable. His Majesty, out of his tender regard to his people, was resolved, if possible, to avoid a war; he endeavoured, as much as he could, to obtain redress by peaceable means. For this purpose it was necessary to negotiate; and, from the same motive, he continued to negotiate, as long as there were any hopes of success. I hope the noble lord would not have had us declare war before we demanded redress; and we could not, in justice, declare war, as long as we had reason to believe our demand would be complied with. Our negotiations were not altogether fruitless: they procured a Convention, by which, if Spain had been sincere, an open rupture might have been avoided; for I must still approve of that Convention; I must still think, we acted prudently in agreeing to it. Reparation for our damages was thereby expressly promised; and, if that promise had been fulfilled, the other articles in dispute might have been easily adjusted. But when the court of Spain refused to comply with what they so solemnly promised, then, and not till then, it became in vain to negotiate; and then his Majesty according to the advice of his parliament, resolved upon forcible means, for obtaining that, which he saw he could no longer expect to obtain by negotiation.

Trade, my Lords, is our chief support: even the noble lord who spoke last, has acknowledged it to be so; therefore it is necessary for us to avoid war as much as possible; for our trade must suffer by every war we can be engaged in. It must, of course, occasion an entire stop to our trade with that nation against which we happen to be engaged, and this breaks the chain of the general trade we carry on; for our trade with every nation depends, in some measure, upon our trade with every other nation where we carry on any commerce. Besides, our trade must suffer in every branch, by the privateers of that nation we are at war with; for it is impossible so to cover the ocean with cruisers, as to prevent their sending out privateers; and, if they have any such at sea, our merchant-ships cannot proceed safely on their voyage without convoy; which is always a great expence, and often occasions a disappointment to the merchant. To which I must add, that a war with Spain must always be more injurious to our trade, than a war with any other nation in Europe; because of the great trade our merchants carry on in that kingdom, either in their own or in borrowed names, and because of that country's lying so convenient for interrupting, by their privateers, our trade with Portugal, Turkey, Italy, Africa, and with our own plantations in America.

No man therefore, my Lords, who considers these things, can, in my opinion, blame our endeavouring to avoid a war with Spain, by means of a negociation. We were in the right to negociate as long as we had the least hopes left of obtaining satisfaction in that way. If his Majesty had plunged the nation into a war, upon the first insult offered by Spain, I am convinced we should then have had as much said, and I am sure with more reason, against a rash and precipitate war, as we have lately heard against long and tedious negociations. The inconveniencies and losses our trade was exposed to by a war, would have been set forth with great vehemence: the advantage of our trade with Spain, would have been magnified to a high degree; and the prudence of waiting a more favourable conjuncture for obtaining redress from that crown, might have been with justice insisted on; because, as it is the interest of that nation not to fall out with us, it was reasonable to expect, that a change of measures at that court, or a change in their administration, would have put an end to their injurious treatment of us, and would have inclined them to give ear to a friendly accommodation.

But, my Lords, as his Majesty, like a tender father, was loth to engage his people in a war which must be fatal to some of them, and prejudicial to great numbers; as he endeavoured to prevent a war by negociation, as long as there were any hopes left of succeeding in that way, those who are resolved to find fault with the conduct of our public affairs, have now nothing to say, but against our negociations, which have, indeed, at last failed of

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the wished for success; but this, I am sure, no man could foresee. As soon as this happened to be the case, his Majesty began to prepare for war, and took the first opportunity to commence hostilities; and we have, at least, gained this advantage from our negociations, that all the powers of Europe must now see we have justice of our side, because we did not offer to attack them, till they had broke through one of the most solemn and explicit stipulations that one nation can make with another. The other powers of Europe could not easily, or perhaps would not be at the pains to understand the disputes between the Spaniards and us about searching our ships on the seas, or about our respective rights and limits on the continent, or in the islands of America; but every power in Europe must understand, and must look on their refusing to pay the 95,000*l.* stipulated by the Convention, as an open and notorious violation of faith.

His Majesty's declaration of war has, it is true, put an end to those clamours that were raised against our peaceable negociations; but I am afraid, my Lords, it has not put an end to our divisions. Those who in time of peace cried out for war, cannot certainly find fault with the declaration of war. This would render them ridiculous; but I am afraid the same spirit that prompted them to find fault with our peaceable negociations, will prompt them to find fault with our warlike operations; and the very nature of the thing must furnish them with a greater abundance of materials for complaint. In time of war some cross accidents must happen: the best concerted schemes may fail of success: the former will be ascribed, by the malicious, to want of care, and the latter to want of conduct. The noble lord who spoke last, has indeed, with his usual candour, declared, that if the plan be right, he will not find fault with the event, therefore, I do not question our having his approbation in every step of our future conduct; and as we have justice on our side, and may consequently expect the protection of Divine Providence, I hope the most malicious will have but very little room to find fault. We have already met with some success; which, in all probability, will soon be followed by others. We have failed in no attempt but one, and that was so visibly occasioned by contrary winds and storms, that no man can have the assurance to impute it to any defect in our conduct. At the same time, so great care has been taken to provide for our safety at home, and for the protection of our dominions and trade abroad, that we are in no great danger of being attacked in any part of our dominions; and considering the extensive trade we carry on, and the vast number of ships our merchants have at sea, so few of them have fallen into the hands of our enemies, and all this has been done with so much prudence and œconomy, that the most fertile malice cannot, I think, invent an objection against our conduct since the commencement of the war.

I shall join with the noble lord in saying, that it is our business to make this, as well as every other war we engage in, as short as possible, and, I hope, the war we are now engaged in will not be of any long duration. It cannot continue long, if Spain gets no assistance from any other power in Europe. We have already provided, I hope sufficiently provided, for our defence, which was certainly the first thing necessary. We are now to provide for attacking the enemy; and I make no doubt but that as soon as the season will permit, we shall be able to attack them in the proper place, with such a force as they cannot resist. Our negociations to prevent a war were, perhaps, more tedious than was agreeable to some people amongst us; but now the war is begun, I hope we shall be able to push it with such vigour and success, as must produce an honourable peace, before any man in the kingdom can have time to be tired of the war. As his Majesty has secured us, by an augmentation of his land forces, against the designs of our enemies at home, and, by covering the seas with his squadrons, against an attack from our enemies abroad, the Spaniards must soon find themselves disappointed in the hopes they had, of reaping advantage from our divisions; and being deprived of these hopes, when they see that we are ready to attack them in the most sensible part, and with an irresistible force, they will probably submit to reasonable terms. They must submit, unless they are sure of having the aid of a neighbouring power, for preventing that vengeance which will soon be ready to burst upon them.

My Lords, the noble lord that spoke last has allowed, that there is some danger of France's declaring against us in the present war. He has allowed that France may sacrifice her trade to other views. I do not know that we are as yet in any

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danger from that quarter. I hope we are not; but no man can tell how soon we may; for, notwithstanding the great age of the present prime minister of that kingdom, notwithstanding his present peaceable disposition, we cannot entirely trust to it: we know he can alter that disposition, when he finds it proper or necessary so to do; we know the animosity that has so long subsisted between that nation and this: we know the regard the people of France have for the royal family of Spain; and therefore the prime minister of that kingdom, notwithstanding the arbitrary form of their government, may, like the ministers in other countries, be forced to chime in with the general inclinations, perhaps the general whim, of his countrymen. Many things may induce the French to alter their present measures, and as their king is absolute master within his dominions, the effects of that alteration may, and probably will be instantaneous, and may be fatal to us, if we are not fully provided against them. On this account it is prudent, it is necessary for us to make more formidable preparations, and to put ourselves to a greater expence, than might, perhaps, be necessary, if we were sure of having none but the Spaniards to deal with.

But this, my Lords, is far from being the case. We cannot depend upon the councils of any foreign nation. The only sure method we have for preventing an alteration in their councils with regard to us, is to prevent its being in their power to hurt us, by providing sufficiently for our defence at land, as well as by sea; and as the court of France is nearly allied with that of Spain, as the coast of France lies more convenient for invading this kingdom, than any other coast in Europe, we ought, in the present war, to provide against a sudden attack from thence, as well as against an attack from Spain. It is a little, I may say, diverting to observe the different opinions of some without doors at different times. It is not many years since the power of France was represented in a terrible light: we were but a few years ago told, that the power of France was become dangerous to the liberties of Europe; and from thence an argument was drawn for our engaging against that crown in a war, in which we had no immediate concern. I am sure the power of France is no way diminished since that time, nor can I think, that the power of this nation is any way increased; and yet now, we are told, that the power of France is so inconsiderable, that even this nation alone has nothing to fear from the united power of France and Spain: and that France, by joining with Spain in the present war, may hurt herself, but cannot hurt us. This way of talking is something strange; but I am no way surprised at it. We were then in peace, and our administration were against involving their country in war, unless France should push her conquests so far, as to endanger the liberties of Europe: we are now in war, and our administration think it necessary to provide against France's taking a share in the war against us. This is the sole cause of this difference in opinion, with regard to the power of France. Our administration have, for good reasons, altered their measures, and therefore those who oppose them must, without any reason, alter their opinions.

I am far from accusing any lord in this House of such a conduct. Your lordships always form your opinions upon reasons that appear at least to you substantial; but this, my Lords, cannot be said of many without doors. The chief reason for the opinion they form, often seems to be, because the administration happens to be of another; and such a conduct must proceed from a spirit of division and animosity: I am sure, it does not proceed from a spirit that can, in any sense, be called rational. It must from thence appear, that there is a spirit of dissension and animosity reigning without doors; and those who are disaffected, will always endeavour to cultivate and improve that spirit as much as they can, especially at the beginning of a foreign war. This made it necessary for his Majesty, upon the present occasion, to caution us against heats and animosities, and for the same reason we ought to pay a due respect to that caution, not only in our Address, but also in our future conduct. This ought to prevail with us, to be as unanimous as possible in all our future resolutions; for, though no difference of opinion ever arises to any heat or animosity in this House, yet it adds fuel to those heats and animosities that are industriously fomented by the disaffected without doors; and, as it cannot be supposed, that any of your lordships are in the least concerned in those divisions, heats, or animosities that prevail without doors, therefore, I hope, the noble lord's motion will be unanimously agreed to without any amendment.

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The Duke of *Bedford*:

My Lords; as I have not the honour to have any share in his Majesty's councils, I cannot pretend to say, what is meant by the divisions, heats, and animosities mentioned in his Majesty's Speech from the throne; but as that speech, and all such speeches are directed to the two Houses of Parliament, the most obvious, and, I think, the most natural construction that can be put upon it is, that his Majesty means the divisions, heats, and animosities that have arisen in one or other House of Parliament. This is the construction, I am convinced, that will be put upon it by our people at home, and by our friends as well as enemies abroad; and as his Majesty can know nothing of these divisions, heats or animosities but by information, I am sure, those that have told him of there being any such thing in either House, have done no service to their king or country. No man can, with the least shadow of truth, say, there has been any such thing in parliament; and therefore I must think, that those who have given his Majesty such a false information, if they are not guilty of treason, they are at least guilty of a very high misdemeanor. It is a misrepresenting of the parliament to the King which may be attended with consequences fatal to the nation, and therefore must be a crime of a most heinous nature. What then shall we be guilty of, if by any words in our Address, we confirm this misrepresentation that has been made of us to his Majesty? Will it not make his Majesty, as well as every person without doors, both abroad and at home, be convinced, that there have been great heats and animosities in parliament, and that those heats and animosities are far from being allayed or alleviated? What an encouragement will this be to our enemies, what a disconsolation to our friends?

Surely every lord that hears me must be conscious, that there have been no heats or animosities in this House, and I have heard of none in the other. Even with regard to the people without doors, I cannot think, my Lords, there is the least ground for saying, there is any division or animosity among them. I am sure it cannot be said, there is any number of men in the nation, that disapprove of the war his Majesty has declared against Spain. I have not lately been in many parts of the country, but here in London there never was a measure more universally approved of by all ranks and degrees of men. The people have shewn their approbation by every method they could think of; and I do not think, that a measure so highly approved of in and about the city of London, can meet with any censure or opposition in the country.

What circumstances the nation was in, towards the latter end of king William's reign, I cannot at present, my Lords, take upon me fully to explain; but I remember two or three circumstances, which make our case very different now, from what it was then. But three or four months before that prince made the Speech to his parliament, which the noble duke has been pleased to mention, the late unfortunate king James having died at St. Germains in France, his son was publicly proclaimed king of England, Scotland and Ireland, at St. Germains, and solemnly and openly acknowledged as such by the king of France, which was a good reason for king William's admonishing his parliament to beware of divisions and animosities, and a reason which does not now subsist. This, I say, was a good reason; but there was still a much stronger. In the very session of parliament immediately preceding that which he opened with the Speech the noble duke has mentioned, there had been great contests, and great heats and animosities in both Houses: several noble lords who were the king's chief ministers and favourites, and who had done signal services to their country, had been impeached by the Commons, which not only raised heats and animosities in each House, but occasioned a sort of breach between the two; and was, perhaps, the occasion of dissolving that parliament about the end of the ensuing summer. To this I may add, that even as to the war then about to be entered into, there were great divisions in the nation; some being for entering into it as auxiliaries only, and some for entering into it as principals: nay, the party for the former of these two methods was so numerous and powerful, that had it not been for the indignity put upon these kingdoms by the French king as I have just mentioned, the nation could hardly have been prevailed on to enter into the war as principals.

King William, therefore, had some reason to caution his parliament, being a new one, which he had no experience of,

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against those heats and animosities that had actually happened in the former; but surely, my Lords, no such reason exists at present. His Majesty has had several years experience of this parliament: there have been no heats and animosities in parliament: there has been no animosity among the people, but a very general one against Spain, and as general a one against the tameness with which our ministers bore the insults of that nation. The latter is now put an end to by his Majesty's Declaration of War: the former, I hope, will continue till we have fully revenged ourselves of our enemies. By divisions, heats, and animosities nothing can be meant but the opposition which the people in general, and many members of both Houses of Parliament, have shewn, and the indignation with which they have treated the late peaceful, negotiating humour of our ministers; and to call that opposition a division, or to complain of its being carried on with heat or animosity, is throwing an unjust reflection upon the whole nation, and upon many members of both Houses, merely for the sake of making a compliment to our ministers, which, I hope, this House will give no countenance to; and therefore I think we ought to avoid saying any thing in our Address about divisions, heats or animosities.

Lord *Talbot:*

My Lords; that there have been heats and animosities amongst us I shall admit, but they are now wisely put an end to; and I shall beg leave to shew, how they were occasioned, and in what manner they have been put an end to. If we look back upon the conduct of our public affairs for almost these twenty years, we may easily find the cause of all our heats and animosities: we may justly admire, that they have not been more violent, and more fatal to those that were the cause of them. We have been, during that long period, in what some amongst us are pleased to call a state of tranquillity; but that tranquillity has been attended with all the expence, and almost all the misfortunes of a real war, without a chance of reaping any of that glory, or any of those advantages, that may be reaped by open hostilities. We have been negotiating when we ought to have been fighting, and we have been concluding treaties with those, against whom we ought to have declared war; and to render those negotiations effectual, or to enforce the observance of those treaties, we have been keeping up expensive armies, that have raised terrors among our own people at home, because they could not guess for what they were designed, and fitting out expensive squadrons, that have raised no terrors among our enemies abroad, because, I suppose, they very well knew for what they were designed.

This, my Lords, is a summary of our conduct for almost these twenty years past; and such a conduct could not, in my opinion, fail of begetting heats and animosities at home, as well as contempt and infamy abroad; but to make this the more evidently appear, I must examine into some of the particular steps of our conduct, and for that purpose shall begin with the famous Treaty of Hanover. In the beginning of the year 1725, the courts of Vienna and Madrid thought fit, by themselves, to accommodate all the differences that subsisted between them, and to conclude treaties of peace, commerce and guaranty, in which there was not any one article contrary to the treaties that either of them had made with us. What offence we could take at this step in either of these courts, I do not know: nay, suppose it had been true, that they had concluded such a private treaty as was represented, we had no occasion for taking any extraordinary measures against it; because the Emperor having no naval force, he could give Spain no assistance against us. However, we allowed ourselves to be so much alarmed, that the same year we concluded at Hanover an alliance with France, which, I am sure, is the last nation in Europe we ought to enter into an alliance with; and the whole nation was terrified with an invasion in favour of the Pretender, though every one knew, that the Emperor and Spain, joined together, could not fit out such a naval force, as would have been equal to that which we can, at any time, fit out upon a week's notice.

But we did not rest here, my Lords: we did not satisfy ourselves with providing, by such an alliance, for our defence: the very next year, we raised armies and fitted out squadrons, as if we had been to attack those whom we thus represented to be our enemies. We sent one powerful squadron to the Baltic, another to the coasts of Spain, in Europe, and a third to their coasts in America. At the same time we augmented our army to above 26,000 men; and the whole nation expected that our enemies would have been made to

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suffer severely for the ridiculous designs they had formed against us. But our armies and squadrons produced no other effect than to load our own people with expences, and to make Spain begin actual hostilities against us, by seizing all our merchants effects they could find in their dominions, by fitting out privateers, and taking all our trading ships they could meet with at sea, and by laying siege to Gibraltar.

Though we had at first, my Lords, no provocation for attacking Spain, yet these hostilities were, surely, a good reason for declaring war against them; and, by the treaties we made, and the subsidies we engaged to pay, it looked as if we really designed to do so; for after near a year's negotiation, we got the Dutch to accede to the Treaty of Hanover, under many conditions and restrictions: in about 18 months we obtained a promise from the Landgrave of Hesse, to keep in readiness for our service 12,000 men, for which we engaged to pay him 125,000*l.* sterling, which was continued to him for several years, though his troops were never employed in our service: about the same time, we obtained the accession of Sweden to the Hanover Treaty, under condition of paying them a yearly subsidy of 50,000*l.* for three years certain, one half of which was to be paid by France: In about 19 months we obtained the accession of Denmark, under condition of paying them a large subsidy for four years certain, which was all to have been paid by France, though we afterwards thought ourselves obliged to pay a part of it: and upon the 25th of November, 1727, we obtained the alliance and guaranty of the duke of Wolfenbuttle, upon condition of paying him 25,000*l.* yearly, for four years certain. By all these preparations, negotiations, and alliances, I say, my Lords, it looked as if we had, at that time, really a design to declare war against Spain, and to revenge ourselves fully, for all the insults they had put upon the nation; but this was far from being the case: our armies, as well those at home, as those we paid so dear for abroad, remained quiet in their respective native countries, and our squadrons continued inactive upon the coasts of Spain, at the very time they were besieging Gibraltar, and making prize of every one of our merchants ships they could meet with at sea. Instead of declaring war, or committing hostilities, against Spain, we were treating and negotiating with them or at least with the Emperor on their behalf: for the court of Spain itself carried it at that time so high, and held us in such contempt, that they would not so much as treat with us: and in May, 1727, preliminary articles were concluded at Paris, between the Hanover allies and the Emperor, by which we promised, that all hostilities should on our side immediately cease, though Spain was no contracting party in this preliminary treaty; which promise we religiously kept, though Spain refused to agree to the preliminaries, and continued hostilities for near a year longer, when by the intervention of the French ambassador at Madrid, we obtained from Spain a Convention for the execution of those preliminaries, in pursuance of which, a congress was appointed; but this congress was rendered abortive, by our joining in a new alliance with France and Spain against the Emperor, by the famous Treaty of Seville.

By this treaty, my Lords, we had got of our side, almost all the powers of Europe that have any naval force, so that we could have no pretence for fitting out a squadron with any warlike intention; but this did not prevent our putting ourselves to the expence of fitting out one. In order to pay a compliment to the Spanish court, we sent a squadron of above twenty men of war, all capital ships, to the Mediterranean, in the year 1731, to conduct the infant Don Carlos to Italy; and this we did, when they were erecting forts and batteries against our town and bay of Gibraltar, and committing many depredations upon our merchants in the West-Indies; which we took no notice of, though strong representations had been made, by our people at Gibraltar, against the former, and an application had been made to parliament, by our merchants, against the latter. Nay, though the court of Spain had evaded making that reparation for past injuries, which they had promised by the treaty of Seville, we took no effectual notice of it. We contented ourselves with sending commissaries to wrangle and dispute about the injuries we had suffered before that treaty, and with ordering our minister at that court to present long, perplexed memorials, against those we suffered afterwards.

This, my Lords, was the state of affairs between Spain and us in the year 1733, when they attacked our ally, the Emperor, in Italy, with those very troops which we

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had assisted them to carry thither, and at a time when, from the many evasions they had before made use of, we had no reason to expect any satisfaction from them by peaceable means. If we were, at that time, under no obligation, or if we had no inclination to assist the Emperor, yet surely our own interest should have inclined us to take that opportunity of declaring war against Spain, if they refused to give us the most ample reparation for our former losses, and absolute security against our being exposed to any such for the future; but instead of this, our commissaries and minister continued soliciting at the court of Spain for that which we might, with great justice, and then, probably, with great success, have insisted peremptorily upon; and the Emperor, for want of that assistance which he thought he was, by treaties, entitled to from his allies, was at last obliged to submit to those terms which were prescribed to him by his enemies.

Whilst the war continued, my Lords, the Spaniards, it is true, put a sort of stop to their depredations in the West-Indies, and entertained our ministers with some hopes of a final adjustment; but no sooner was the war over, than, as might have been easily foreseen, they began to renew their depredations with fresh vigour in the West Indies, and, I suppose, they plainly told us, that they would give no farther satisfaction than they had done, with regard to any of our losses sustained since the treaty of Seville; for I do not find that it was ever afterwards seriously insisted on; I am sure, the sum stipulated by the late Convention was so far from being any satisfaction for those losses, that it was not near equal to the losses our merchants have sustained, by depredations committed since the concluding of that treaty.

Thus, my Lords, we lost all the advantages we might have reaped from the war between Spain and the Emperor; and, I am afraid, we lost a great deal of our character into the bargain; but though we let slip that opportunity for vindicating the honour, and securing the trade of the nation, we took care to lay hold of it for putting the nation to an extraordinary expence, by raising armies, fitting out squadrons, forming alliances, and engaging to pay subsidies. Soon after the war broke out, we encreased our land force to near 27,000 men; and for augmenting our naval force, we encreased the number of seamen, employed in his Majesty's service, to 30,000: we sent a minister extraordinary to Holland, though we knew that the States-General had before concluded with France a treaty of neutrality; and in September 1734, we concluded a treaty with the king of Denmark, by which we engaged to pay him an annual subsidy of upwards of 56,000*l.* sterling for three years certain. From these extraordinary warlike preparations, and most extraordinary expences, the people supposed that we were to exert ourselves in the most vigorous manner, for retrieving an ancient ally from the distress he was then in, for procuring justice to onr injured merchants, and for vindicating the honour, and securing the trade of the nation; but the Emperor, it seems, knew better, and therefore he submitted to the hard terms that were offered him by his enemies, which threw the affairs of Europe into a situation, perhaps, the most unfortunate that they ever were in for this nation.

Upon this, my Lords, we disbanded the additional forces we had raised both by sea and land, and seemed to think we had nothing more to do; for though the depredations of the Spaniards, upon our merchants, and their insults upon the nation, in the West-Indies, were now become more frequent, and more open, than they had ever been before, it seemed to give us no real concern. We took no step for redressing these grievances, or for protecting our trade, till an application to parliament by our merchants, two years ago, made it necessary for some persons to take a little more notice of their just complaints. We then again began to make some warlike preparations: we raised an additional number of 10,000 seamen; and we sent one squadron to the West-Indies, and another to the Mediterranean. But still we trusted to our favourite, though, by experience, so often found to be ineffectual, methods of negotiation: our squadrons did nothing, but our negotiators, it is true, did something: they procured us that famous Convention which we had before us last session, and which we have now found to be as frivolous, with regard to this nation at least, as the other treaties we had before entered into with Spain; and thus all our negotiations and treaties have at last ended in a war, perhaps the most dangerous, I am sure most unseasonable, that this nation was ever engaged in.

I shall now, my Lords, give you a short account of the charge the nation has been put to, by these warlike prepara-

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tions, and pacific measures; but, in order to set this charge in the clearest light, I must observe, that if we kept no greater number of regular troops, nor any greater number of seamen, in our pay, than are necessary for our security in time of peace, I am convinced, the annual public expence could not amount to above 1,500,000*l.* so that, by means of a land tax of 2*s.* in the pound, and the usual Malt tax, instead of contracting a new debt yearly, which has been our case for many years, we should have been able to provide annually for the service of the year, and to pay off above 100,000*l.* yearly of our old debt; and if all useless posts, and useless or extravagant salaries or perquisites, had been enquired into, and abolished or reduced, I am sure it would have added a considerable sum to our annual savings. However, I shall wave taking notice of this last article of frugality, and state the necessary annual expence of the nation at 1,500,000*l.* in order, from thence, to compute the supra charge that our warlike preparations, and unnecessary squadrons and armies have cost us.

Upon computing the sums granted every year by parliament, for the service of the ensuing year, I find, my Lords, that the first session, after the famous Treaty of Hanover, granted for the year 1726, 1,939,285*l.* but this was not all that was expended in that year; for, by a vote of credit and confidence passed near the end of that session, his Majesty was impowered to augment his forces both by land and sea; and to take such measures as the exigency of affairs might require; which power was accordingly made use of, and therefore, by the next session, there was granted, for the service of the year 1727, and for deficiencies in the former year, 2,980,801*l.* For the service of 1728, there was granted 3,123,449*l.* For 1729, 3,087,859*l.* For 1730, 2,166,400*l.* For 1731, 2,060,232*l.* For 1732, (the tranquillity of Europe being then, as some wise politicians amongst us judged, established upon a lasting foundation, though it was really upon a most precarious one, as soon after appeared) 1,743,359*l.* For 1733, (the war between France and its allies of one side, and the emperor of the other, having broke out in that year) 1,835,056*l.*: For 1734, 3,821,714*l.* 1,200,000*l.* of which was to be applied towards paying off so much of the debt of the navy, and 287,343*l.* for the deficiency of the preceding year; but, as the war I have mentioned was then just broke out, and as we resolved that this nation should have a share in the expence, though it was to have no share in the war, this was far from being all that was expended that year; for, by a vote of credit, agreed to about the end of the preceding session, his Majesty was empowered to augment his forces both by sea and land, and to take such other measures as the exigency of affairs might require, in pursuance of which, the augmentations were made, and the other expences incurred, which I have before mentioned; and therefore, for the service of the year 1735, and the deficiencies of the former year, there was granted by parliament the sum of 3,070,129*l.* For the service of 1736, 2,181,859*l.* For 1737, 1,952,725*l.* and for 1738, 2,356,719*l.*

In these computations, my Lords, I have omitted all those sums that were granted for making good the deficiencies of former funds, and likewise all those that were granted for paying off any part of our debt: I have reckoned nothing but what was granted for current services, or for extraordinary expences incurred in the preceding years; and, from these computations, it will appear, that the grants for the 13 years I have mentioned, amount in the whole to 32,319,587*l.* Whereas, if we had kept within 1,500,000*l.* yearly, which we may always do in time of peace, the whole of our expence for these 13 years would have amounted to no more than 19,500,000*l.* so that by keeping up armies, paying subsidies, and fitting out squadrons, which we made no use of, nor had any occasion for, we have wasted very near 13 millions, which, if it had been regularly and annually applied to its proper use, would have paid off near 17 millions of our public debt; and such a payment would have been attended with this further advantage, that it would have enabled us, some years ago, not only to have reduced the interest upon the remaining public debt, but also to have reduced the interest of money in general, to 3 per cent. which would have made it much easier, than it is at present, for many landed gentlemen to pay the taxes necessary for the annual support of our government.

Considering the situation we are now in; considering the situation the affairs of Europe are in; considering the misfortunes one of our most ancient and best allies has met with, and considering the insults this nation has met with, and the many depredations and cruelties our merchants and

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seamen have been exposed to; I believe I may, I do, my Lords, with confidence appeal to every man that hears me, whether we have reaped one shilling's worth of advantage by the numerous armies we have kept up, the powerful squadrons we have fitted out, the great subsidies we have paid, and the many negotiations and treaties we have carried on and concluded since the memorable year 1721? Shall we then be surprized, that there have been heats and animosities amongst us? Can we be at a loss in assigning the cause? Could it be supposed, that a brave and a free people would bear, with patience, being exposed, by pacific measures, to the insults and contempt of their enemies; and that at a time when they were loaded with an expence, that might have made them the terror of their foes?

It is evident, my Lords, that all the heats and animosities that have been amongst us of late years, have sprung from those pacific counsels, that have made us tamely submit to so many insults, and those warlike appearances, that have subjected us to so great an expence; and, when we consider from whence our heats and animosities have proceeded, we may easily see how they have been put an end to. His Majesty's declaration of war has put an effectual end to them; and, if the war be carried on in a warlike manner, if the naval and land force of this nation be wisely and vigorously employed, I dare answer for it, no heats or animosities will arise amongst us whilst it lasts. But, if the same negociating humour, which has so long prevented our declaring war, notwithstanding the many just provocations, and the many good opportunities we have had for it, should now prevent our pushing it with vigour, as the consequences will be more fatal, I am afraid the heats and animosities that must ensue, will be much more violent.

For this reason, my Lords, as his Majesty's Speech is always understood to be a Speech from the ministers, and as our Address must consequently be supposed to be an Answer made to the ministers; therefore, if we make any mention of heats or animosities, we ought to tell them, that as there are now no heats or animosities amongst us, we hope they will take care to prevent any such for the future, by a vigorous prosecution of the war. This should be the Amendment I would propose, if I could expect that my advice would be taken; but, as this I cannot expect, and as some lords may think, that this would be a more free way of addressing our sovereign, than has been usual of late years, though not more free than has been practised by our ancestors, I shall content myself with being for the Amendment proposed; and I hope the noble lord, who made the motion, will endeavour as much as he can to prevent prejudices or animosities having a share in our deliberations, by agreeing to leave these two ugly words out of his motion.

The Earl of *Chesterfield*:

My Lords; upon such a solemn and important occasion, I am sorry to find that a dispute should arise, or the unanimity of this House be disturbed, on account of a few words or expressions, which no lord will pretend to be of any importance in themselves, either to the crown or the nation, whatever they may be to the minister: and therefore, when they were taken notice of, and objected to by my noble friend near me, I expected that the noble lord, who, I supposed, had accidentally made them a part of his motion, would have so far contributed to that cordial union which he was pleased to recommend, as to stand up and agree to the Amendment proposed. But when I found those words and expressions insisted on, not only by him, but by other lords, who may be supposed to have had some hand in advising and framing his Majesty's Speech, I then began to suspect that those words had not dropt into the motion by accident; but that they had been inserted with design, to make this House confirm a representation that has been made to his Majesty, by some who are, perhaps too often, near his person; and in this light I must acknowledge, they are of the utmost importance to the crown, to the nation, and above all, to the honour and dignity of this House.

I know, my Lords, it has been of late years a custom, to make the Address of this House a sort of echo to his Majesty's Speech; and, as echos never fail to repeat the last words of a sentence, so it seems, we must never fail echoing back the last paragraph of his Majesty's Speech. This, I say, has been a custom for some years past; but I cannot think that a religious observance of this custom is either consistent with the character we ought to preserve, or necessary for shewing our respect to our sovereign. I am sure, upon the present occasion, it will be a failure in

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our duty to the king, and an exposing of ourselves to the censure at least, if not to the contempt, of the whole world.

Can any one, with justice, say, my Lords, that prejudices, heats, or animosities, have of late been intermixed in our deliberations? Can any one, with justice, say, that there has lately been any division among the people of this nation? I am really astonished, how such words could creep into his Majesty's Speech. The Speech, it is true, is generally said to be the speech of the minister; but I wonder what minister dared to tell his Majesty, that there have been, or ever were, any heats or animosities in our deliberations, or that there have lately been any divisions amongst his people. I believe, there is no assembly in the world, where deliberations and debates are carried on with more decency and calmness: I believe, the people of this nation were never less divided in their sentiments, than they have been of late years. Therefore, if any one has of late presumed to say to his Majesty, that there were heats or animosities in any of our deliberations, or that there are divisions amongst his people, it must be one of the grossest misrepresentations that was ever whispered into the ear of any sovereign potentate; and shall we, by any expression in our Address, give credit to such a misrepresentation, and enter, as it were, into a combination for putting an imposition upon our prince, that must give him a bad opinion, not only of his people, but also of this assembly, of which we have the honour to be members. Such a conduct, with regard to the people, would be most unjust; but with respect to ourselves, it would be a sort of *Felo de se*.

The people of this nation, my Lords, were never, I believe, so unanimous in any one thing, as they have, for several years, been in that of desiring to have an opportunity of revenging themselves against the Spaniards. The only division, if it can be called so, that has of late appeared amongst us, has been between the people of one side, and a few of our ministers of the other. I say, my Lords, a few of our ministers; for, I will not do so much injustice to the administration, as to say, that all those who have a share in the administration, are of that party which has so long obstinately withstood the general voice of their country. I hope I may say, all those that have a share in our administration: I hope our administration consists of a great number, that have no other dependence upon one another, but that which results from their duty to their country, and their affection to their sovereign. If it be otherwise, I am sorry for it, and glad I have not so much as the character of having a hand in it. But let it consist of what number it will: let it be a sole corporation (a term well known to the reverend bench) if the world please to think it so, I am sure, it has had, with regard to its late pacific measures, no party among the people for this dozen of years past; and, if any one has endeavoured to make his Majesty believe that it has, I am sure the parliament, and particularly this House, ought to take a proper method for undeceiving him; for while our parliaments continue to be of any use to the nation, they will always take care that the King may safely resort to them, as to the fountain of truth, in order to know the real disposition of his people, and the true character of his ministers.

This division, my Lords, between a few of our ministers, or one sole minister, and his immediate dependents, of one side, and the whole body of the people of the other, has been the only division that has appeared of late years amongst us; and, such a division can in no light be called a division among the people; for, in this country, I think, the people and the administration are two terms that are generally made use of as opposite to each other, and there was never greater reason for making use of these two terms in this sense, than there has been for several years past. Then, with regard to heats and animosities, can any one say, that there has been lately any heat or animosity amongst the people, that is, amongst any one set or party of them against another? There have, indeed, been great heats and animosities in the nation, but in this too, the people have been all united. They have most justly shewn heats and animosities against the Spaniards, and as justly against those who have so long prevented their doing themselves justice. Our heats and animosities therefore, like our divisions, have been between the whole body of our people upon one side, and our ministers and enemies upon the other; and this shews, that whatever obstinacy Spain may have shewn in her late conduct towards this nation, it could not be owing to the divisions, heats or animosities amongst us; because she could not but foresee, that if, by her obstinacy, she provoked us to declare war against her, the whole nation,

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both people and ministers, would unite in a vigorous prosecution of that war; which, I hope, is now our case. I hope no man will dare to check the progress of our arms, or to interrupt the prosecution of the war, by any negociation, unless such preliminaries be offered, as will atone for all past injuries, and secure us against all future.

My Lords, it was not by our divisions, that the Spaniards were encouraged to treat us in the contemptuous manner they have done: it was by the hopes they had, that our ministers would not dare to give a loose to our vengeance, by declaring war against them; and for these hopes, the long patience of our ministers, and their fondness for negociation, had given them but too much reason. But, if there had been divisions amongst us, and if those divisions made the Spaniards contemn us so much, as to refuse fulfilling their part of the last solemn Convention they made with us, I will then say, that our divisions have done a most signal service to the nation. The most unlucky thing that could have befallen this nation, would have been the court of Spain's making that stipulated payment which they had wisely promised, and we had generously, I cannot say wisely, accepted of in full of all demands. If the Spaniards had made that payment, which I am surprised they did not, our ministers would, from thence, have got a pretence to negociate for the eight months following, with the same success they had negociated for the eight years preceding; and the Spaniards would have got a sort of licence to plunder our merchants for eight months longer, by which they might fully have reimbursed themselves the inconsiderable sum paid for that licence. But why should I say eight months: upon the expiration of that term, I am convinced, our ministers would have found reasons for giving them several renewals, without any new fine, because the renewals, and the several negociations for that purpose, would have been most excellent expedients for putting off two or three sessions more.

This, my Lords, has been our case for many years past: we have, every year, and from session to session, been put off with hopes, that before next session, we should be able to obtain ample satisfaction, and undoubted security, by those negociations which every man, except those that carried them on, foresaw would end in nothing but loading us with expence at home, and with ignominy and contempt abroad. It is this, my Lords, that has created all the divisions, and all the heats and animosities that have been amongst us. The people were for resentment and revenge, our peace-makers for patience and forgiveness: the people called out for reparation for past injuries, our peace-makers submitted tamely to fresh insults. The people were for bravely vindicating, our peace-makers for meanly prostituting the rights of the nation. Thank God! the people have at last prevailed; and this has healed up all our divisions, and put an end, I hope a final end, to all our heats and animosities.

His Majesty's declaration of war has now, I hope, brought all his ministers to be of the same sentiments his people have been of for many years; at least, if they are not so in their hearts, they must be so in appearance; and this must of course put an end to the only division that has of late appeared in this nation: it must put an end to every animosity but that just one against our enemies, which will now, I hope, be allowed to take its full swing. Perhaps some of our ministers may still have a hankering after negociation: if they have, let them but look upon his Majesty's declaration of war, and they must stifle every such affection. They cannot suppose, that his Majesty will submit to treat with a nation, that has exercised great cruelties and barbarities upon the persons of divers of his subjects: they cannot suppose, that his Majesty will submit to treat with a nation, that has insulted the British colours in the most ignominious manner; unless that nation shall, in the humblest manner, sue for peace, and offer, by way of preliminary, the most signal satisfaction, for the cruelties and barbarities they have exercised upon his subjects, and for the ignominious insults they have put upon his crown and dignity; for I will be bold to say, that without such a signal satisfaction, there is no future security we can, with any certainty, rely on. Nay, farther, my Lords, no man who reads his Majesty's declaration of war can, I think, suppose, that he will treat with a nation, that has been guilty of so many breaches of promise, and of so many infractions of the most solemn treaties, unless they offer by way of preliminary, to put a real security in our hands, as a pledge for their performance of what shall be afterwards agreed on; and when the Spaniards are brought, by the vigour of our arms, (for

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they can never be brought to it by negociation) to offer these things by way of preliminary, I know so much of the generous, forgiving temper of my countrymen, that I can engage for their unanimous approbation of any treaty our ministry shall conclude, upon such safe and honourable preliminaries.

Thus, my Lords, his Majesty's declaration of war has put an end to all the divisions, heats, and animosities, that have lately been raised and fomented, by the conduct of some of our ministers; and the form and method in which it was drawn up, will, I hope, secure us against a renewal of any of those divisions, heats, or animosities. For this reason, I cannot let slip this opportunity, to declare my approbation of it. I not only approve of the measure, but I highly approve of the declaration itself. I do not know who it was that had the honour of drawing it up: be who he will, the nation is, I think, highly obliged to him; for it is expressed in the most proper, the most just, and the strongest terms that could be devised. But, my Lords, I must observe, that it is expressly contrary to the reasoning that was made use of last year, in favour of the Convention; and therefore, I was surprised to hear the noble duke make a fresh attempt to justify that Convention. I am sure, no lord has a greater respect for his Majesty, than he has: I am sure, no man more heartily wishes to see our late heats and animosities utterly extinguished. But, when I consider the terms in which the declaration of war is expressed, I cannot think it altogether consistent with the respect due to his Majesty, to attempt now, to justify a Convention, by which no satisfaction was so much as stipulated, for those cruelties and barbarities the Spaniards had exercised upon his Majesty's subjects, or for those ignominious insults they had put upon the British flag: and, I must look upon a fresh attempt to justify the Convention, as an attempt to revive those heats and animosities that were raised in the nation, by that most extraordinary measure. I shall call it by no worse a name, lest I should be accused of falling into the error I am finding fault with: I hope it has now met with the fate it deserves, and which, for the honour of Britain, I wish it may meet with: I hope it is fallen into eternal oblivion; and I wish it could be rased out of every historical record.

Having thus shewn, my Lords, what were the divisions, heats and animosities, that have lately appeared amongst us, and having shewn that, by their very nature, they must have all ceased, as soon as his Majesty declared war, I shall conclude with saying, that I believe the best way to prevent their being renewed, is to forget that there were ever any such amongst us. Our ministers have now changed their measures: They have now entered into measures, which the whole nation approves of: why should they now seek to justify those former measures, which the whole nation condemned? If they pursue with vigour the measures they have now entered into, the nation seems willing to forget the errors of their former conduct: why then, should they now seek to brand, with the odious names of prejudices, heats, and animosities, the objections which the people thought they had reason to make to their former conduct? This is doing what they can, to raise heats and animosities, instead of endeavouring to stifle them; therefore, in my opinion, it was most imprudent to allow any such words to have a place in his Majesty's Speech; and, for this reason, I must be against their being echoed back to the throne, by our Address.

Lord *Hervey:*

My Lords; the word echo is, I find, a favourite term, which is generally made use of upon all such occasions as the present, for turning into ridicule, a custom which has for many years been established. I know, it is easy for one who has so much wit at command, as the noble lord who spoke last, to give a ridiculous turn to the most reasonable custom that can be introduced; but I likewise know your lordships' discernment to be so good, that you can easily distinguish between what is ridiculous in itself, and what is rendered so only by the happy genius of him who has a mind to explode it; and therefore, I need not say much in favour of a custom which I think most reasonable, and which has met with the approbation of many years, and of several succeeding generations. In private life, it has always been reckoned one of the highest degrees of contempt or disrespect, to take no notice of what a gentleman says, when his discourse is particularly addressed to you: in public life, I must think it is the same, and therefore I must think, it would be a failure in that respect which is due to our sovereign, if we should, in our Address,

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omit to take notice of any one material paragraph in his Majesty's speech from the throne.

Who it was, my Lords, that had the honour to be consulted by his Majesty about the speech he has now made to us, or who it was that advised him to insert that paragraph, by which his Majesty recommends to us, to avoid heats and animosities, I do not know; but, if his Majesty had thought fit to confer that honour upon me, I should have advised the very same thing; and what has already happened amongst us, would, in my opinion, have justified that advice. There has, it is true, no heats or animosities happened this day amongst us: there never do happen any such in our debates; but the debate of this day will, I am afraid, add fresh fuel to the heats and animosities that still subsist without doors; and, if Lords would consider, that this is generally the consequence of every debate that arises in this House, I am convinced, we should not have so many of them as we have; because, in this case, I believe, no lord would raise a debate, by opposing any proposition made by another, unless he thought the honour or the interest of his country deeply concerned in the question.

I shall not dispute with the noble lord that spoke last, whether the few words objected to, dropt by accident into the motion made by my noble friend, or whether they were inserted with design. In either case, I think, they ought not to have occasioned a debate; especially at a time when we ought not only to be unanimous, but to avoid the least appearance of discord. If they dropt in by accident, the noble lord who spoke last has acknowledged, they are of no importance, and might therefore, for the sake of unanimity, have been agreed to without any dangerous consequence. And, if they were inserted with design, I cannot so much as suppose any other design, than that of shewing a proper respect to his Majesty, which no lord ought to oppose. The noble lord has, it is true, found out another design: he supposes, that they were inserted on purpose, for justifying some representation made to his Majesty. I do not know of any representation that has been made to his Majesty, nor do I think there was the least occasion for representing to him, that there have been divisions amongst us: it is what he could not but know, by looking upon the Journals of either House of Parliament, which, I hope, either he or his servants may do without any offence: And we cannot, in justice, suppose him so much unconcerned about what passes amongst his people, as not to know, that there have been great heats and animosities among them. None of his servants, therefore, had the least occasion to make any such representation to him, and if any of them have made such a one, it was so far from being a misrepresentation, that it has been confirmed by every lord that has spoke in this debate. It is acknowledged on all sides, that there have been divisions, heats, and animosities in the nation; but, on one side, it has been said, that they are all now put an end to, by his Majesty's declaration of war, and that they were not between one set or party of the people and another, but between the whole body of the people on one side, and his Majesty's servants or ministers, as some always affect to call them, on the other.

My Lords, I am extremely glad to hear, that our divisions are all put an end to, by his Majesty's declaration of war: I wish it may be so. If it is, it shews his Majesty's wisdom; and his recommending to us, to avoid any such for the future, in my opinion, shews his goodness. But I do not know what the noble lord means by divisions between the whole body of the people of one side, and a few of his Majesty's ministers of the other. He must be an unhappy minister, that has no set of men, no party in the nation, that approves of his conduct. I do not know that I ever read of such a minister in our histories, and, I believe, we have had as bad as any we have at present. But, for God's sake, what is this measure, that has been approved of by a few of his Majesty's ministers, and condemned by all the rest of the nation? If his lordship means any of our late negotiations, or even the late Convention, I must desire him to recollect, that they were all, not only approved of, but advised by both Houses of parliament, as well as by all his Majesty's ministers. I shall grant, that there was a party in the nation, as well as in each House of parliament, that disapproved of those measures; and I do not pretend to find fault with them for so doing. Those that are not employed by his Majesty, may differ in opinion with those that are; and, thank God, they may, in this free country, avow their sentiments, and declare them openly. This I shall never find fault with: I hope we shall always retain this valuable liberty: but I must find fault, when heats and ani-

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mosities are mixed with that liberty which is indulged us by our constitution; and this is what his Majesty most graciously, I think, advises us to avoid: this is what we are to declare we shall avoid, by the Address my noble friend has been pleased to propose: and this, I think, is the least we can do, in return to that most gracious advice his Majesty has vouchsafed to give us from the throne.

I am far from saying, my Lords, that any heats or animosities have lately appeared in this House: but there have been divisions amongst us; and, by what the noble lord has said of the late Convention, he has shewn, that those divisions still subsist. I am sorry that affair should now be brought into any of our debates. I am certain, it is what we have nothing to do with, upon this occasion; but, when fault is found with any past measures, or satirical things thrown out against it, it is natural, and even reasonable, in those who advised or approved of it, to say something in its vindication. The Convention, my Lords, was attended with this benefit at least, that it gave us time to prepare for war, and to give notice to our merchants, to withdraw their effects out of the Spanish dominions; and I must think, that Spain's refusing to perform what was therein stipulated, is now a strong argument for convincing us, that it was both honourable and advantageous on our part. To which I must add, that it was not only ratified by his Majesty, but approved of by both Houses of parliament; and therefore, if the respect that is due to our sovereign does not, the respect we ought to have for that assembly, of which we are members, ought now to prevent our giving it ill names, or loading it with any invidious epithet.

I shall not now, my Lords, take upon me to determine, whether it would have been happy for this nation or no, to have had the Convention punctually performed on the part of Spain. But I cannot think it would have been any loss to us, to have had 95,000*l.* of Spanish money to have divided amongst our injured merchants; and I am sure, it would have been happy for the nation, to have obtained justice without a war, if such a thing could have been any way accomplished. This consideration must, of itself, justify our endeavouring to obtain satisfaction, by negotiation; and the Convention shewed, that our hopes of succeeding in that way, were not without some foundation. Therefore, when I hear sarcastical reflections thrown out against our pacific measures, which, now war is declared, must be allowed to be quite out of the question, I must suppose, that it proceeds from that spirit of division, which has shewn itself formerly even in this House, and which has, without doors, often broke forth in violent heats and animosities.

By his Majesty's declaration of war, I shall grant, my Lords, that this spirit seems to be somewhat allayed: but, I am afraid, it is far from being extinguished. The same spirit that made some part of the people shew such heats and animosities against those measures his Majesty was pleased to take for preventing a war, will, I believe, prevail with them to find fault with every measure his Majesty may be pleased to take, for bringing it to a happy and speedy conclusion. The misfortunes we may meet with, and some we must meet with, will be aggravated; the advantages we may gain, and, I hope we shall gain a great many, will be depreciated: in short, unless your lordships begin to shew a good example, I expect that every step of his Majesty's conduct in time of war, will be opposed, or misrepresented, as well as every step of his conduct has been in time of peace. The calm we now seem to enjoy, is not, I am afraid, owing to the utter extinguishment of those flames of strife and contention, which too often prevail in this kingdom, but to their wanting materials to feed on. The war has been so lately declared: the incidents that have happened, or could have happened, are so few, that the most discontented have, as yet, no room for shewing their spleen against the administration; but, from what has happened to-day, we have, I think, no reason to conclude, that our discontents or divisions are at an end. No fault can be found with the declaration of war, no fault can, as yet, be found with the conduct of the war; but fault must be found with something; therefore, we have this day had the conduct of our public affairs for 12 or 14 years past examined into, and every step of it, I think, condemned, though no part of it any way relates to the question now before us. For my part, my Lords, I shall not give your lordships the trouble of entering into a minute and particular justification of our conduct, and of all the public expences that have been incurred, during that long, very long period, as some have thought it: the task would

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not be difficult; but it would be tedious, and, I think, unnecessary: therefore, I shall only observe in general, that every step of our conduct, during that period, has been approved by both Houses of parliament; and every article of our public expence has not only been approved, but provided for, by parliament; consequently, as there have been several general elections within that period, I must think, that not only the conduct of our public affairs, but all the public expence the nation has been put to, has met with the approbation of a great majority of the people.

We are now, my Lords, engaged in a war that may prove a very heavy and dangerous one, especially, if, by our divisions, some of our neighbours should be encouraged to join with Spain against us, and our allies discouraged from giving us any assistance; therefore I wish some noble lords would forget all former contentions, and heartily unite in every thing that may tend to shew our friends, as well as enemies, that whatever divisions there may be amongst us, whatever faults we may find with the conduct of our ministers, in time of peace, we will do nothing, nor say any thing, that may discontent or interrupt them, in the prosecution of a just and necessary war. If this had been the case, I am sure no part of his Majesty's Speech, nor any part of the Address now proposed, would have been objected to; for, suppose there were now no divisions amongst us, nor any heats or animosities in the nation, suppose there never had been any such, yet, I cannot think it would have been wrong in his Majesty now, at the beginning of a war, to caution us against divisions, heats, and animosities, nor in any of his ministers, to advise him to do so; and far less would it have been wrong in us, to make a proper return to that part of his Majesty's Speech, by declaring in our Address that we would take care to follow the advice his Majesty had so graciously and so properly given. It is what has been often done by the sovereign; and it is what this House has never failed to make a proper return to; therefore, if we should, upon this occasion, neglect to do so, I am sure the whole world would think, it proceeded from that very thing which his Majesty complains of in his Speech. For this reason, my Lords, I shall be so far from disagreeing with any part of the Address my noble friend has been pleased to propose, especially that part, which some noble lords have thought fit to object to, that if he had omitted to propose it, I should have stood up in my place, and endeavoured to supply the defect, by way of Amendment.

The Earl of *Scarborough* *:

My Lords; although I have often had the misfortune to find what I approved of, opposed by some lords for whom I had a very great esteem, yet I never could allow

* This appears to be the last speech ever made by the earl of Scarborough in parliament. The manner of his lordships' lamented death, is thus minutely and pathetically described by Dr. Maty, in his Memoirs of lord Chesterfield:

"Lord Scarborough's conduct, in this as well as in all other debates, cannot but inspire us with the most exalted ideas of his candour, delicacy, and moderation. Strongly attached by principle to government, and by inclination to the king, he supported the ministry a long time against the efforts of those he was most intimately connected with, and lived for many years upon the best terms both with sir Robert Walpole and with lord Chesterfield. Forced at last by conviction to deviate from his former course, and to express his disapprobation of the late public measures, he did it with a becoming frankness and generosity, wishing earnestly to reconcile both parties at this interesting period, and to unite them against the common enemies of their country. This attempt, however, was ill received: heads of parties seldom allow a latitude of thinking; and in affairs of state, still more than in matters of religion, intolerance is by every side disavowed, but too constantly practised by all.

"Unfortunately a nobleman, equally beloved by the nation and by his friends, could not long resist the struggle between his former engagements and his present feelings. A turn to melancholy, which shewed itself in his countenance, joined to an ill state of health, hurried him (Jan. 29, 1740,) to an act of violence upon himself. The morning of the day on which he accomplished this resolution, he paid a long visit to lord Chesterfield, and opened himself to him with great earnestness on many subjects. As he appeared somewhat discomposed, his friend pressed him in vain to stay and dine with him; which he refused, but most tenderly embraced him at parting. It happened in the course of the conversation that something was spoken of which related to sir William Temple's negociations; when the two friends not agreeing about the circumstances, lord Chesterfield, whose memory was at all times remarkably good, referred lord Scarborough to the page of sir William's memoirs where the matter was mentioned. After his lordship's death, the book was found open at that very

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myself to call that opposition a division, or to think that it proceeded from any party prejudice, or private discontent, and, I am sure it cannot, with the least justice, be said, that any late opposition has, in this House, been carried on with heat, or animosity. I have been always so candid as to think, that if any lord opposed what I approved, he did it because he thought it was wrong: and, if he proposed any thing in which I could not join, that he did it, because he thought it was right.

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page. Thus he seems, in his last moments, to have been still attentive to his friend, and desirous that he should know he was so. This fatal catastrophe was universally lamented, tenderly censured, and entirely excused by those who considered the unaccountable effects of natural evils upon the human mind. But what must lord Chesterfield's situation have been upon his being informed of this unfortunate event? His excellent lady does not even now without the greatest emotion speak of the manner in which his lordship, on her return home at night, acquainted her with his loss of that amiable nobleman; and he ever after lamented that he did not detain him at his house, saying he might perhaps have been saved, if he had not been left to himself that day."

The Character of the earl of Scarborough is thus ably and elegantly drawn by lord Chesterfield:

"In drawing the character of lord Scarborough, I will be strictly upon my guard against the partiality of that intimate and unreserved friendship, in which we lived for more than twenty years; to which friendship, as well as to the public notoriety of it, I owe much more than my pride will let my gratitude own. If this may be suspected to have biassed my judgment, it must, at the same time, be allowed to have informed it; for the most secret movements of his soul were, without disguise, communicated to me only. However, I will rather lower than heighten the colouring; I will mark the shades, and draw a credible rather than an exact likeness.

"He had a very good person, rather above the middle size; a handsome face, and when he was cheerful, the most engaging countenance imaginable; when grave, which he was oftenest, the most respectable one. He had in the highest degree the air, manners, and address, of a man of quality, politeness with ease, and dignity without pride.

"Bred in camps and courts, it cannot be supposed that he was untainted with the fashionable vices of these warm climates; but (if I may be allowed the expression) he dignified them, instead of their degrading him into any mean or indecent action. He had a good degree of classical, and a great one of modern, knowledge; with a just, and, at the same time, a delicate taste.

"In his common expences he was liberal within bounds; but in his charities and bounties he had none. I have known them put him to some present inconveniencies.

"He was a strong, but not an eloquent or florid speaker in parliament. He spoke so unaffectedly the honest dictates of his heart, that truth and virtue, which never want, and seldom wear, ornaments, seemed only to borrow his voice. This gave such an astonishing weight to all he said, that he more than once carried an unwilling majority after him. Such is the authority of unsuspected virtue, that it will sometimes shame vice into decency at least.

"He was not only offered, but pressed to accept, the post of secretary of state; but he constantly refused it. I once tried to persuade him to accept it; but he told me, that both the natural warmth and melancholy of his temper made him unfit for it; and that moreover he knew very well that, in those ministerial employments, the course of business made it necessary to do many hard things, and some unjust ones, which could only be authorised by the jesuitical casuistry of the direction of the intention; a doctrine which he said he could not possibly adopt. Whether he was the first that ever made that objection, I cannot affirm; but I suspect that he will be the last.

"He was a true constitutional, and yet practicable patriot; a sincere lover and a zealous assertor of the natural, the civil, and the religious rights of his country. But he would not quarrel with the crown, for some slight stretches of the prerogative; nor with the people for some unwary ebullitions of liberty; nor with any one, for a difference of opinion in speculative points. He considered the constitution in the aggregate, and only watched that no one part of it should preponderate too much.

"His moral character was so pure, that if one may say of that imperfect creature man, what a celebrated historian says of Scipio, 'nil non laudandum aut dixit, aut fecit, aut sensit;' I sincerely think (I had almost said I know), one might say it with great truth of him, one single instance excepted, which shall be mentioned.

"He joined to the noblest and strictest principles of honour and generosity the tenderest sentiments of benevolence and compassion; and as he was naturally warm, he could not even hear of an injustice or a baseness, without a sudden indignation; nor of the misfortunes or miseries of a fellow creature, without melting into softness, and endeavouring to relieve them. This part of his character was so universally known, that our best and most satirical English poet says;

'When I confess, there is who feels for fame,
'And melts to goodness, need I Scarborough name?'

"He had not the least pride of birth and rank, that common narrow notion of little

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This has always been my way of thinking, about the conduct of those who differed from me in opinion, and I hope it has been their way of thinking about mine. Therefore, I cannot think there has been lately any thing amongst us that could properly be called a division, and I am sure, there has, of late, no heat or animosity appeared in any of our debates. I have, indeed, observed great heats and animosities expressed both within doors and without, against the insulting treatment we have, for many years, received from Spain; but I was so far from disapproving, that I have always joined in such heats and animosities: I have always reflected upon the insults offered us by Spain, with as great indignation as any man in the kingdom, though I differed perhaps with some, as to the method, or rather as to the time of shewing our resentment in a proper manner against the conduct of that insolent and impotent nation.

It is long since their conduct deserved the highest and most immediate resentment; it is long since we might, with justice, have made them feel the most fatal effects of our vengeance; and whatever the natural haughtiness of that nation may make them suppose, the rest of Europe must be convinced, that our forbearance has been owing to a compassion for their weakness, and not to any dread of their power. It was this, that made his Majesty resolve, by accepting of the late Convention to give them a fresh opportunity for seeing the foolishness of their conduct towards us, and for preventing, by a submission, that severe correction it deserved to meet with. But I am surprized to hear some lords insist so strongly, and as it were triumphantly, upon that Convention meeting with the approbation of both Houses. I believe, there were a great many, who approved of the Address proposed upon that occasion, though they were very far from approving of the Convention. I remember, one of the chief arguments insisted on in favour of that Address, was, that it did not imply an approbation of the Convention. If such a thing had been proposed, I believe, instead of meeting with the concurrence of both Houses it would have been rejected by both with disdain.

I am convinced, that several lords gave their consent to the Address proposed upon that occasion, because they thought it did not imply an approbation of the Convention; and as I had the honour to be so well acquainted with the measures his Majesty had resolved on, that, if Spain did not soon yield to a great deal more than was expressly stipulated by the Convention, I was thoroughly convinced, that a war would speedily ensue: therefore, though I did not approve of the Convention, nor of the Address that was proposed upon that occasion, yet, I was against our doing any thing in this House that might hurry our ministers into a war, before they had sufficiently provided for prosecuting it with vigour; and, as a Resolution proposed in this House, towards the end of last session, would have been a sort of parliamentary declaration of war against Spain, and consequently would have precipitated the nation into a war, before we were sufficiently prepared; therefore, I was against that Resolution, though it was proposed and supported by several lords for whom I shall always have the greatest regard.

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minds, that wretched mistaken succedaneum of merit; but he was jealous to anxiety of his character, as all men are who deserve a good one. And such was his diffidence upon that subject, that he never could be persuaded that mankind really thought of him as they did. For surely never man had a higher reputation, and never man enjoyed a more universal esteem. Even knaves respected him; and fools thought they loved him. If he had any enemies (for I protest I never knew one), they could only be such as were weary of always hearing of Aristides the just.

"He was too subject to sudden gusts of passion, but they never hurried him into any illiberal or indecent expression or action; so invincibly habitual to him were good-nature and good-manners. But, if ever any word happened to fall from him in warmth, which upon subsequent reflection he himself thought too strong, he was never easy till he had made more than a sufficient atonement for it.

"He had a most unfortunate, I will call it a most fatal kind of melancholy in his nature, which often made him both absent and silent in company, but never morose or sour. At other times he was a cheerful and agreeable companion; but, conscious that he was not always so, he avoided company too much, and was too often alone, giving way to a train of gloomy reflections.

"His constitution, which was never robust, broke rapidly at the latter end of his life. He had two severe strokes of apoplexy or palsy, which considerably affected his body and his mind.

"I desire that this may not be looked upon as a full and finished character, writ for the sake of writing it; but as my solemn deposit of the truth to the best of my knowledge. I owed this small deposit of justice, such as it is, to the memory of the best man I ever knew, of the dearest friend I ever had."

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So much I thought necessary to trouble your Lordships with, for explaining my conduct last session, lest it should be inferred from what has been said in this, that, if Spain had made the payment stipulated by that Convention, I should have been for continuing to negociate with them for eight months, or one month longer, and allowing them in the mean time to search and seize our ships in the American seas. This, my Lords, I should have been against; and if this had happened to be the case, it would, indeed, have made a division among us; but then, it would have been such a division as a noble lord has represented: it would have been a division between the whole people of the nation on one side, and a very few of his Majesty's ministers on the other. About the time the Convention was concluded, there was, I shall grant, some sort of dispute, though not properly a division, about the most proper time for declaring war. Some thought that it ought then immediately to be declared, while others thought it was more prudent to wait four months longer. But no man thought, at least, no man, minister or other, dared to say, that, if Spain refused to make the stipulated payment within the time limited, or pretended to evade any longer settling the chief point in dispute between the two nations, we ought not even in that case, to declare war, or begin reprisals against them. About this there never was any dispute, much less a division among us, and therefore, upon their failing to perform what they had promised, hostilities were begun, and war at last declared, as I expected, with as great unanimity among all ranks and degrees of men, as any public measure ever met with. For this reason, I cannot but disapprove of that paragraph in his Majesty's Speech, which relates to divisions, heats, and animosities; and much more must I disapprove of the return proposed to be made to it in our Address. The former, in my opinion, bears, and the latter confirms, an insinuation, that is evidently and absolutely false. They both tend to insinuate, as if there were a party among us, that with heat and animosity opposed and condemned our having declared war against Spain. If a foreigner, who knew nothing of the disposition of the people of this nation, were to read the Speech, this I am convinced would be the construction he would put upon the paragraph found fault with; and in this opinion he would be confirmed by reading, in our Address, the Answer proposed.

This, I say, my Lords, will be the opinion of every foreigner that reads his Majesty's Speech, and our Address; and as it is not only a false opinion, but likewise an opinion that may be of great prejudice to this nation, I shall be against our saying any thing that may tend towards establishing, among foreigners, a belief in an opinion so injurious to the people of this kingdom. I have, my Lords, the satisfaction to think, that no man doubts of my esteem for his Majesty's person, or my zeal for his service; but I shall always be for shewing that esteem, and testifying that zeal, by declaring my sentiments freely in every place, and upon all occasions, where my duty calls upon me to do so; and, upon the present, I think, I am called upon to do so, by all the ties of honour, loyalty and friendship, because, I am convinced, his Majesty would not, in his Speech, have made use of any such words, if some malicious insinuations had not been made to him against those who have, with great calmness and decency, opposed some late measures for no other reason, I believe, but because they thought them inconsistent with the honour or interest of their country. As such insinuations must tend towards giving his Majesty an ill impression of those, whom I shall always look on as good subjects, though they may sometimes differ with me in opinion; therefore, I shall be against our doing any thing in this House, that may confirm such insinuations; and for this reason, I must be against inserting in our Address the words or expressions objected to.

The *Lord Chancellor:*

My Lords; as nothing is more necessary at the beginning of a war, than concord and unanimity amongst ourselves; and as our unanimity at present seems to be interrupted by a misapprehension of what his Majesty has said in his Speech from the throne, and likewise of what the noble lord has been pleased to propose by way of Answer; I hope your lordships will excuse my rising up, to endeavour to restore that unanimity which I wished to see established, by explaining and removing that mistake which I think has occasioned the present interruption.

The objections that have been made to some part of the Address proposed, have, in my opinion, my Lords, been occasioned by supposing, that the heats and animosities

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there mentioned, relate to the present time, and to the late particular measure of declaring war against Spain. Now, if your lordships will but consider the expressions themselves, which the noble lord was pleased to make use of, in that part of the proposition he has made to you, which has been objected to, and the expressions in that part of his Majesty's Speech to which they refer, you will see that neither the one nor the other can be supposed to relate to the present time, or to any particular measure. The expressions made use of by his Majesty in his Speech, plainly refer to the time past, and to heats and animosities in general, without the least application to any particular measure; and when this is maturely considered, I am of opinion, no reasonable objection can be made either to his Majesty's Speech, or to any part of the proposition now before you.

Upon the present occasion, my Lords, I do not think it necessary for me to shew, what sort of heats and animosities have been amongst us, or how, or between whom, our late divisions have arisen. It is acknowledged by all, that there have been divisions, heats, and animosities amongst us: nay, they became so notorious, that even our enemies took notice of them, as appears by the Spanish Manifesto; and I am convinced they were, as his Majesty has told us, the chief cause of that obstinacy which Spain has of late years shewn in all her negociations with us. Therefore, whatever these divisions were, they must be allowed to be a good foundation for that fatherly and tender exhortation to peace and unity, which his Majesty has most graciously given us in his Speech. Suppose our late divisions had been between the people of one side, and his Majesty's servants on the other; and that those divisions had occasioned heats and animosities in the kingdom, even such a division, if any such could be, would be unhappy for the nation; and as his Majesty is the political father of us all, as he is the father of his servants, as well as of his subjects, it became, in that case, necessary for him, especially at the beginning of a foreign war, to endeavour to reconcile them to each other, by recommending peace and unity to both.

But, my Lords, I am far from being of opinion, that any such division can ever exist, in which the whole people are of one side, and the king's ministers, or a few of them only, of the other. I believe, the most hated or despised administration that ever was in this kingdom, had a great many friends among the people, and a great party that approved of their measures; and therefore, I cannot approve of the custom mentioned by a noble lord in this debate, of making use of the words people and administration as two opposite terms; I think it an invidious sort of distinction; and therefore I must think, that the custom is at all times somewhat seditious. If any one has of late made use of this distinction, and endeavoured to recommend the use of it to others, the doing so could proceed from nothing but heat and animosity; for none of his present Majesty's ministers have done, or advised any thing, that could give the least room for thinking, that they were in any interest opposite to that of the people. Gentlemen may differ in their opinions; and those who have the honour to serve his Majesty, may think that for the good of their country, which others think not to be so; but those who differ from them, ought to judge of their conduct with that candour and charity, which the noble lord who spoke last has recommended, and which, I am convinced, is a way of judging practised by him upon all occasions. If every man, both within doors and without, would follow his lordship's example, we should have no heats or animosities in the kingdom, nor would any one suppose such a division, as that of the whole body of the people upon one side, and a few of his Majesty's ministers upon the other.

Such a division, my Lords, can never, as I have said, exist in any country, and much less in this than any other, unless our constitution should be first overturned, or at least suspended; and I am sure we have lately had nothing like it. We had indeed, a very great division amongst us, but last session of parliament: some were for an immediate war against Spain, notwithstanding the Convention they had agreed to, and others were for waiting a few months longer, to see if we could obtain justice by peaceable means. His Majesty's servants knowing the great regard he had for the trade and welfare of his subjects, were very generally, I believe, of the latter party, which was so far from consisting of his Majesty's ministers only, that it had a majority in both Houses, and consequently, by our constitution, we are obliged to suppose, that it had a majority among the people. Notwithstanding this majority, they supported

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their opinion, both within doors and without, with great moderation and tranquillity; but I cannot say so of the other party. In this House, I shall grant there was no heat or animosity appeared; but the party without doors did break out into heats and animosities, and endeavoured, as is usual upon all such occasions, to support by noise and clamour without doors, what they could not support by reason and argument within. This division, and these heats and animosities, are now, it is true, at an end; but others may arise, and therefore it was very natural and even necessary, I think, for his Majesty, the next time he met his parliament, to recommend unity and concord, and to exhort us to avoid heats and animosities. He does not so much as suppose there are any at present subsisting: he gives us only a gracious exhortation to avoid such in time to come: this surely can never be taken amiss in any country or at any time; and much less in a free country, where divisions, heats, and animosities are apt to arise, notwithstanding the utmost caution; and at the beginning of a heavy and dangerous war, when they may be of more pernicious consequence than at any other time.

Having thus explained to your lordships, what is meant by that paragraph in his Majesty's Speech, in which divisions, heats, and animosities are mentioned, I hope it will appear, that no reasonable objection can be made to it: I hope it will appear, that it is only a general exhortation to peace and unity: and shall we so much neglect, or rather, in my opinion, contemn such a kind, such a gracious, and such a fatherly exhortation, as not to make the least return to it in our Address? What the noble lord has proposed, is, I think, the least return we can make: his lordship's proposition, like what his Majesty has said in his Speech, does not relate to the present time, nor to any particular division that has been amongst us. It is only a general declaration, that we will promote harmony and unanimity in time to come. This is, I hope, what every lord in this House is resolved on, and therefore, I hope no lord will oppose our giving his Majesty and his allies the satisfaction, and his and our enemies the mortification to declare it in the terms proposed, or in more express terms, if such could be contrived and were thought necessary.

The Earl of *Winchelsea*:

My Lords; if I were to consider his Majesty's Speech from the throne, as a speech really framed by himself, and without the advice of any of his ministers, I should be apt to join with the noble lord that spoke last, in looking upon it as a fatherly and tender exhortation; but it is well known, that in this House we always do, nay, we ought to consider it as the speech of his minister; and, when I consider it in that light, I cannot look upon that part of it, which relates to divisions, heats and animosities, as a friendly exhortation: I must look upon it as a designed reflection upon those, who, not only last year, but for many years preceding, took the liberty to condemn his tame submissions and pacific negotiations, which have, as was long since foretold, at last ended in an open and declared war; and that at a season, which, if we consider the present situation of affairs in Europe, we must allow to be the most unlucky for this nation, of any we could have chosen, ever since Spain began to insult and plunder, and we to negociate and submit.

In this light, I say, my Lords, I must consider it, and I consider it in this light, because we have of late years had no appearance of any division, much less of any heat or animosity, but what has been occasioned by his measures. We have lately had none of those party divisions amongst us, with which this nation used formerly to be perplexed: the Jacobite party is now, thank God! entirely broke: Whig and Tory, high church and low, have been many years ago quite forgot: we are all united in a resolution to support and preserve our constitution under the present happy establishment: nothing like a division has for many years appeared amongst us, but what was occasioned by some ministerial measure, which was thought ruinous to the trade, or inconsistent with the honour of the nation; and in such circumstances, when the minister comes and tells us, that heats and animosities have been, with the greatest industry, fomented throughout the kingdom; and that our divisions have encouraged our neighbours to use us ill; and that we ought to avoid all such for the future; I must look upon it as a designed reflection upon those, who have found fault with any of his measures in time past, and as an imperious sort of exhortation to approve and submit blindly, in time to come, to every thing he may vouchsafe to propose to us, and to every measure he may think fit to pursue.

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This, my Lords, is the construction that must be put upon what is said in his Majesty's Speech about divisions, heats, and animosities, by every lord who considers the Speech in that light, in which alone it ought to be considered in this House. This is what could not but be foreseen by those who advised the Speech; and therefore, if they have this day heard any unwelcome and galling truths relating to their past conduct; if their past measures have not been allowed to sink into that oblivion they deserve; those who advised the Speech have themselves only to blame; for when an opposition, that experience as well as reason has justified, is called animosity, and is assigned as the cause of that misfortune, which evidently proceeded, not from the opposition, but from the measures that were opposed, it became necessary for those who had joined in that opposition, to justify their opposition, by exposing and again demonstrating the weakness of those measures they had opposed. The disagreement, therefore, that has this day happened amongst us, and which ought, certainly, by all means to have been prevented, is not owing to those who have this day found fault with past measures, but to those who most unnecessarily, I shall not say arrogantly, revived the memory of them, by giving the invidious names of division, heat, and animosity, to the opposition that was made to them.

From this consideration, every lord who has this day found fault with any of our late measures, must be justified, and from this likewise, I hope, I shall be justified, in taking some notice of what has been this day said in favour of our late Convention with Spain. We have been told, my Lords, that this treaty now appears to have been an honourable and advantageous treaty for this nation, because Spain refused to perform it on their part. So far otherwise, that their refusing to pay the 95,000*l.* confirms what was said last year by those that opposed our approving of the treaty. They then foretold, that Spain would not pay a shilling of that money, unless our South Sea Company first paid them the 68,000*l.* they demanded; and the event has confirmed what was then prophesied; which shews, that the treaty was really more dishonourable, than what upon the face of it appeared; though even this pretty clearly appeared, by the king of Spain's declaration, which our negociators had, it seems, accepted of as the condition upon which his very signing, and much more his performing of that treaty, was to be proceeded on. Their insisting upon our receiving that declaration, shewed the contempt they had of our conduct, and their adhering so closely to what they thereby declared, was only a farther and a stronger manifestation of that contempt.

Another new argument this day made use of in favour of that Convention is, that it was necessary for us to prepare for war before we declared it; and that the Convention gave us time to be prepared for war, and to send notice to our merchants to remove their ships and effects out of the Spanish dominions, which we could not otherwise have had. This argument, my Lords, is built upon the supposition of a fact, which every one knows to be false. Did we make the least preparation for war during the four months the Convention held us in suspence? Did we in all that time give the least hint to our merchants to withdraw their effects? It is well known, that we did not begin to prepare for war till June last, nor did we send notice to our merchants to withdraw their effects, till July; and might not this have been done in June or July was a twelvemonth, as well as in June or July last? Certainly it might. Nay, we can always, in a month's time, prepare sufficiently for commencing a war against Spain alone, and therefore have no occasion for entering into a dishonourable negociation, much less for concluding a dishonourable treaty with them for such a purpose.

As these, my Lords, are the only new arguments I have this day heard in favour of that most dishonourable treaty, I shall give your lordships no farther trouble upon a subject, that I always mention with reluctance, because the least mention of it must, I think, be grating to every man that hears it, if he has any regard for the honour or interest of this kingdom. What I have said, when added to what has been before said upon the same subject, will sufficiently justify the opposition that was made to it; therefore, I must think, it was wrong to advise the inserting of any thing in his Majesty's Speech, that might seem to cast a reflection upon that opposition; and, consequently, I must be against our enforcing, and, as it were, redoubling that reflection, by any words in our Address. I know, that the custom of 'echoing' back (I must, my Lords, make use of the word 'echo;' if I knew a more burlesque word, or a word that more strongly shewed my contempt, I would certainly use it) I say,

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my Lords, I know that the custom of echoing back his Majesty's Speech from the throne, in the Address of this House, is of some standing; but I likewise know, that ministers have, ever since that custom began, had more influence in parliament, than they had in former reigns, and more, perhaps, than they ought to have in any reign. Such a custom is rather a sign of complaisance to the minister, than of respect to the Sovereign. The greatest and best sign of respect we can shew to the Sovereign, is sincerity; and, if this custom continues for any time longer, our sincerity to our Sovereign will, I am afraid, be lost in a fawning complaisance to his minister.

Let us, therefore, my Lords, take this opportunity, which I think a good one, to interrupt the custom, lest it should, as other customs have done, become common law, which the lawyers say is common reason, even though it be inconsistent with the reason of every man but a lawyer. But, if your lordships are resolved that your Address shall be a complete and faithful echo to the Speech, I think, you should go farther than has yet been proposed: I think you should take special care to declare it as your opinion, that the heats and animosities fomented amongst us, has been one of the chief encouragements to the court of Spain, to hold such a conduct towards this nation, as to make it necessary to have recourse to arms; because, this I take to be, with regard to the minister, the most important sentence in the whole Speech; and therefore ought not, surely, to be neglected by those, who think that every material sentence in his Majesty's Speech ought to be most dutifully echoed back to the throne by the Address of this House.

The Duke of *Argyle* *:

My Lords; I must begin what I have to say to your lordships upon this occasion, with observing, that I am very much disappointed in the hopes, I with pleasure entertained for some time, before we met in this House. Our situation before this session opened, was very different from what it was before the opening of the last.

* "At this period the House of Lords was no less the theatre of contention than the House of Commons; and the number of speakers on the side of opposition great and formidable. The principal speakers on the side of government were, Newcastle, Hardwicke, Hervey, Cholmondeley, Hay, and Devonshire. Those on the contrary side were, Carteret, Chesterfield, Bathurst, Westmoreland, Bedford, Sandwich, Halifax, Talbot, and Gower.

"To this chosen band, was recently added John duke of Argyle and Greenwich, whose principles and motives will be best understood from an account of his previous life and conduct. He was born in 1678, and gave early indications of talents and capacity, which, however, were rather brilliant than solid, and he attained as great a proficiency in classical learning as a desultory application would permit. He discovered a propensity to a military life, and being permitted to embrace the profession of arms, was promoted by king William to the command of a regiment of foot, before he had attained the age of nineteen.

"In 1703 he succeeded his father in his titles and estates, and to the consequence of first feudal lord in the highlands of Scotland. He was appointed member of the privy council, captain of the Scotch horse guards, knight of the thistle, and one of the extraordinary lords of session. In 1705, he was nominated lord high commissioner to the parliament of Scotland; opened the parliament by a speech, and by his influence had a great share in promoting the union, though he declined being one of the commissioners. On his return to England, his services were so highly approved that he was created an English peer, by the title of baron of Chatham and earl of Greenwich. In 1706, 1708, and 1709, he made campaigns under the duke of Marlborough, and distinguished himself on various occasions, particularly at the battles of Ramilies, Oudenarde, and Malplaquet, at the sieges of Ostend and Ghent, and at the assaults of Menin and Tournay. During these campaigns he gave instances of his high spirit and proneness to take offence, by an opposition to the duke of Marlborough, with whom he is said to have been at continued variance. His disgust was carried to so great a height, that in 1710, when it was moved in the House of Peers that thanks should be given to the duke of Marlborough, the duke of Argyle made some petulant objections to the motion.

"His conduct endeared him to Harley and the tories, who then paid great court to a nobleman of his high rank, parliamentary abilities, and military talents, and he was accordingly, in 1710, invested with the garter. He then quitted the Whigs, whom he had hitherto supported, spoke and voted with the Tories, and joined in the censure that was passed on the late administration.

"In consequence of these exertions, he was appointed embassador extraordinary and plenipotentiary to Charles the 3rd, king of Spain, and commander in chief of the British forces in that country. During his continuance in that high station, he performed no exploits of consequence, which he imputed to the ministry, who were employed in negotiating the peace of Utrecht. He loudly complained of their neglect, and was so much offended, that al-

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We had then just received the sorrowful tidings of a new convention between us and Spain, which, before we saw it, had great encomiums bestowed upon it, by those who had been concerned in the negotiation. This new treaty was to put a happy and honourable end to all our differences with Spain: It was to give reparation to our injured merchants, and to procure satisfaction to the nation, and security to our trade in time to come: in short, it was to give us all we wanted, and

though on his return to England he was constituted commander in chief of all the land forces in Scotland, he soon became a violent opponent of Oxford's administration, and resisted the extension of the malt tax to Scotland. He supported the motion, made by the earl of Seafield, to dissolve the union, which he had so great share in forming, warmly spoke in favour of the proposition, that the protestant succession was in danger, and bitterly censured the peace of Utrecht. In consequence of this opposition, he was removed from all his employments.

"On the illness of the queen, which terminated in her death, he repaired, with the duke of Somerset, to the council chamber, insisted that the physicians should be examined, and by his conduct on this occasion, rendered an essential service to the house of Hanover.

"On the accession of George the 1st, his services were not overlooked: he was appointed one of the lords justices till the arrival of the king, restored to his employment of commander in chief of the British forces in Scotland, was a member of the privy council, and made governor of Minorca, and colonel of the royal regiment of horse guards. He was, at this time, in high favour at court, was selected as one of the commissioners for establishing the household of the prince and princess of Wales, and made groom of the stole to the prince.

"As commander in chief of the forces in Scotland, he was in 1715 sent to quell the rebellion, and partially defeated the rebels with a much superior force at the battle of Dumblain. His conduct, however, as well as his military operations on subsequent occasions, were exposed to much censure. Though he was a man of high spirit and undaunted courage, and always exposed his person more than became the general in chief, yet he was before the engagement irresolute and diffident of his talents. He did not know how to seize the decisive moment of action. When he broke the enemy's left wing, he was hurried on by his ardour to pursue them too far, and on his return to the field of battle found that his own troops had suffered extremely, and that had the enemy taken advantage of their success, the king's army might have been entirely routed. In fact his conduct was rallied by the country people, who said that the general was a much better christian than a commander in chief, for he did not let his left hand know what his right hand did.

"He was accused of dilatory measures, and, in his turn, arraigned the ministry for neglect and inconsistency. The letters which passed between him and lord Townshend, are filled with complaints, apologies, and recriminations; and he returned from Scotland as much dissatisfied with the king and ministers as they were dissatisfied with him.

"His situation in the household of the prince of Wales, gave sufficient opportunity to ingratiate himself with the heir apparent. His graceful manners, his dignified demeanour, his splendid talents, his animated conversation, soon captivated the prince, and excited the jealousy of George the First. On the misunderstanding in the royal family, he attached himself to the son, and was suspected by the king of fomenting the prince's discontent. On this account he was suddenly removed from the post of groom of the stole, and deprived of all his employments, to the great regret of the prince, who placed implicit confidence in him and his brother the earl of Ilay.

"During the king's absence he was much consulted by the prince; and while he was accused by Walpole and Townshend of caballing with the Tories, one of the causes of disgust which the king entertained against those ministers was, that they privately caballed with the duke of Argyle and his brother.

"From the time of his removal he opposed administration with great acrimony, until he was softened by the place of lord steward of the household, which was conferred on him in 1719. From this period he uniformly supported the measures of government, although he was occasionally disgusted with the ministry.

"In the debates which took place on the murder of captain Porteous, and on the bill of pains and penalties against the provost and city of Edinburgh; he threw out several peevish expressions, testifying his dislike to all kinds of jobs, which were supposed to be levelled against the minister, and seemed to indicate that he was dissatisfied. At the time of the rupture between the king and prince of Wales, his discontent became more manifest, and he finally entered the lists of opposition during the discussion of Spanish affairs.

"It is still undecided whether his accession to the side of opposition was derived from the quick sight which he is said to have possessed when it was time to leave a minister from disgust and disappointment, or from disapprobation of measures. But whatever were the motives which influenced his conduct, his defection was a severe blow to the minister. He gave fresh spirits and energy to the cause of opposition in the House of Lords. His violent and declamatory speeches were calculated to make a deep impression on the public mind, and his personal weight and

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more than we could have expected. But these encomiums I could put no faith in. I knew the haughtiness of those we had been treating with; I knew the contemptible opinion they had of the persons they treated with; and therefore, I expected, that this new treaty would resemble some former treaties we have lately made, in nothing so much as in dishonour and disgrace. This made me expect to see, during that session, great contention within doors, and great murmurings and discontents without; and in this I was not disappointed.

But before the opening of this session, my Lords, we were in a very different situation. Our negociations, with Spain at least, were, thank God! at an end. A war was actually declared, which was what all, but a very few amongst us, had long and ardently wished for; and this nation was in a way, by which we have never failed doing ourselves justice, when our arms were prudently and vigorously conducted. From this situation, I expected to see nothing during this session, but concord and unanimity within doors, and joy and acclamations without. I expected to hear nothing of past measures, especially from those who could not be insensible of the discontents their past measures had occasioned. I expected nothing but a most cordial and unanimous concurrence in proper measures for enabling his Majesty to convince our enemies, that we are better fighters than negociators; and that though they had for many years eluded the force of our rhetoric, they should be unable to elude, for as many months, the force of our arms.

These, my Lords, I say, were my expectations before the opening of this session, and in these, I can assure your lordships, I took great delight. But those who had the advising and drawing up of this Speech have, I find, taken the very first opportunity to disappoint me in my hopes. Instead of applying to us in a modest, prudent, and conciliating manner, for those Supplies that may be necessary for carrying on the war; they have begun with throwing unjust and ill-grounded reflections upon their country, and upon all those that oppose the fruitless and destructive measures they took for preventing it: measures which every one foresaw would be fruitless, before the event shewed them to be so; and which, in the mean

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interest in the House of Commons seduced several members from the ministerial interest, amongst whom was Dodington, who had long attached himself to the duke, and looked up to him as a species of demigod.

"The aversion which the anti-ministerial party had conceived against the duke of Argyle, was now converted into respect and love. He who was bitterly arraigned for political versatility, was now applauded for his virtue and patriotism. His opposition to the minister cancelled at once all former errors, and he suddenly became the idol of the party.

"In the common topics of opposition, the duke of Argyle felt no embarrassment, but when an accusation was brought forwards for past transactions, which had taken place during his continuance in administration, in the support of which he had been active and zealous, he felt himself in an awkward situation. It was not possible to reconcile his invective against the minister with his well-known and often repeated apothegm, that all first ministers had been faulty, but that sir Robert Walpole had the least faults of any minister with whom he had ever been concerned. As an apology, therefore, for his first supporting, and afterwards arraigning the same measures, he insisted that the minister had engrossed the whole power of government, that the privy council was excluded from all knowledge of the proceedings, and that the measures were only submitted to them for approbation, and not for examination. He mentioned himself as a witness of the truth of this statement. For although he was commander in chief, yet the knowledge of many material transactions had been withheld from him. He said that there were two cabinet councils in the kingdom, the king had one, and the minister had another, and that the king's knew little or nothing of what was done in the other. He thus endeavoured to exculpate himself, and to throw on the minister the whole blame of past transactions, which he and his party were disposed to arraign, as arguments for his removal.

"The duke of Argyle was a warm, impetuous, and animated orator. He possessed great fluency of language and elegance of diction. His speeches were highly declamatory, and filled with affected expressions of candour, conviction, and disinterestedness. They had always a considerable effect, by appearing to be unpremeditated effusions flowing from the occasion and adapted to the moment. They were accompanied with all the graces of elocution, gesture, and dignity of manner. His eloquence was highly celebrated by Pope:

"Argyle, the state's whole thunder born to wield,
"And shake alike the senate and the field."

And Thomson says of him:

——"from his rich tongue
"Persuasion flows, and wins the high debate."

Coxe's Memoirs of sir Robert Walpole.

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time, ruined the trade, exhausted the treasure, and exposed the character of their country.

This, my Lords, to me looks as if they were more solicitous about justifying their pacific measures, than of meriting the approbation of their country as to their warlike; and this, I must say, is but a bad omen of our future success, if they be entrusted with the conduct of the war; for nothing can contribute more to the justification of their late pacific schemes, than an unfortunate issue of the war we are now engaged in.

I shall grant, my Lords, that an advice or caution against divisions, heats, and animosities, has been often repeated to us in speeches from the throne; and I do not at all wonder at it, for nothing is so like one minister as another minister. Ministers must always be the advisers of the King's Speech to his parliament. As great a man, and as good a judge of our constitution, as ever sat in this House, often gave it as his opinion, that if ministers were not, they ought to be the advisers of every Speech the King makes from the throne, and were answerable for every expression made use of upon such occasions; therefore we are not to be surprised at the frequent repetition we find of this caution against heats and animosities; for ministers are apt to look upon every opposition to their measures as an animosity: and peevish ministers often prevail with their master to declare it so from the throne; but however this may serve the peevishness of a minister, it is of great disadvantage to the crown, because it engages the king in the party with his minister, which is very seldom either the honestest or most numerous party in the kingdom.

For this reason, my Lords, I shall never think it very dutiful in a minister to put such a caution in the mouth of his sovereign; and to put such a caution or advice into the King's Speech, at a time when there neither is, nor has been, any division, heat, or animosity, in the kingdom, but such as have been occasioned by his measures, I shall always think, in some degree, criminal. In former reigns, particularly in king William's reign, there was some reason for the sovereign's giving a caution to his parliament against divisions, heats and animosities, because there were contending parties in the kingdom, which no way proceeded from any public measures pursued by the ministers: but, in this reign, there have been no such parties; and yet, these exhortations have been oftener made use of in this reign, than in any former: I think they have been in the Speech at the opening of every session since the famous Excise Scheme, except the first session of this parliament, when the complexion of the other House was not perhaps so well known, as it was soon after.

Who was the author or drawer up of the speech now under our consideration, I do not pretend to know; but in this House, my Lords, it is certain, we are not to say the King was: we must suppose it was some of his Majesty's ministers; and, considering there is now the greatest unanimity that, I believe, ever was in this nation, considering there has not lately been any division, heat, or animosity in the kingdom, unless that opposition be called so, which was made to their late pacific schemes, I cannot think it was right or modest in them, to put those expressions in his Majesty's speech, which are now found fault with. The noble lord who spoke last but one, says, they do not relate to the present time, or to any particular measure. I must beg pardon to differ from him, though I am far from pretending to be so good a judge of language as he is. The expressions both in the Speech, and in the Address proposed, plainly relate to the present time. His Majesty says, 'The unhappy Divisions 'amongst my subjects, are the only hopes 'of the enemies to my government.' Do not these words, does not the word 'are,' in particular, relate to the present time? Again, with regard to the Address proposed, can we with any propriety say, that nothing shall be wanting on our part to heal up our divisions, if there are none such now subsisting in the kingdom? Can we say, that his Majesty had any occasion to repeat his admonitions, if our divisions are all entirely healed up, and no such thing as any heats or animosities in the kingdom? As to the measures, my Lords, which those expressions were designed to relate to, I shall not pretend to determine; but I know of no public measure that has been lately opposed with any sort of warmth, but our negociations with Spain, and the Convention that was the unhappy issue of those negociations; and I cannot think it right to say, that those who opposed these measures, or indeed any measures, were industrious fomenters of heats and animositius, which is expressly said both in the speech, and what in the noble

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lord has proposed to be our Address by way of answer to that speech. In this country, and by our constitution, whoever thinks any public measure inconsistent with the happiness of his country, has a right, nay, he is in duty bound, to take every legal method he can think of, to warn the people of their danger: he is not, for that reason, to be called a fomenter of heats and animosities; no man will call him so, but a peevish assuming minister, who, by a long possession of too much power, begins to think, that no man in the kingdom ought to oppose his good will and pleasure.

I must likewise observe, my Lords, that I differ from the same noble lord in another thing he was pleased to advance. I must think, that a division between the people of one side, and the ministers of the other, is such a division as may exist, even in this country. I shall grant, that ministers must always have a party for their support; but when that party consists of men that list themselves in the ministers party, not because they approve his measures, but because they receive his pay, I cannot look upon them as any part of the people: I must look upon them, as well as him, as the enemies of the people; and the more of them he has in his pay, the more criminal he must always be. If such a minister and such a party should ever happen, to our misfortune, to exist in this kingdom, they would, it is true, be the King's subjects; but, like other criminals, they would be such subjects as ought to be hanged. I shall also grant that, whilst our constitution remains entire, no such minister can long stand his ground in this kingdom; because, if our parliament should be allowed to sit, and if both houses should continue as incorrupt as, I hope, they are at present, such a minister would soon, by a parliamentary prosecution, be brought to what he deserved: but we know that some ministers have found means to govern, or rather to oppress the nation for several years, without any parliament at all; and others have done the same thing, by means of a pensionary parliament. Therefore, such a division may exist even in this country, though it has never yet long existed; these overgrown ministers have generally hitherto fallen a sacrifice to their own insolence and ambition, soon after the body of the people declared against them; but the misfortune is, that the sovereign has sometimes been overwhelmed in the ruins.

I shall always, my Lords, be ready to judge charitably of other men's conduct, either in public or private life. I shall always be ready to suppose, that men act from right principles, and that they at least think they are doing what is right; but this rule can take place only in cases of a disputable nature. If a highwayman or pick-pocket should tell me, that he thought he did people a service by robbing them or picking their pockets, or by holding their hands and preventing their being able to defend themselves, or secure the villains that plundered them, I believe no charity would oblige me to believe such a one to be an honest man; and much less would complaisance prevail with me, or a reward induce me, to call him so. In public life, it is the same: when a minister engages in no measures but what may be supposed to be for the public good, charity may induce me to believe, that he thinks he is doing right, though I differ from him in opinion; and such a minister, though his measures be found fault with by some, yet he may depend upon having always a great part of the people of his side; but when a minister engages in such measures as evidently tend to the ruin of his country, there is no room for charity, one must believe him to be either an egregious fool, or an arrant knave.

This, my Lords, must be every honest man's way of judging, in cases that admit of no dispute; but, even in cases that are disputable, though charity obliges me to believe that ministers think their measures calculated for the good of their country, yet, if I think otherwise, I am obliged to oppose them, and may take such legal methods as I think fit, to prevent or defeat them, without deserving to be called a fomenter of heats or animosities. This was the case, with regard to the late Convention; it was thought, by many, to be a most scandalous and destructive treaty: I thought so as soon as I saw it: I think so still; for I do not think myself in the least included by the sidewind approbation it met with. A treaty's being approved by a majority in parliament, does not oblige the minority to approve of it. Your lordships have all a right to shew that you disapprove of what meets with the approbation of the majority, and to leave a testimony of your disapprobation upon record; nay, even a future parliament is not obliged to approve of what, perhaps, met with a very general

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approbation in the preceding. The treaty of Utrecht was approved of by a majority in both Houses. I remember I then disapproved of it, and gave my sentiments very freely in this House against it; and I remember the reward I met with for so doing. That very treaty was, in a future parliament, so highly disapproved of, that some of those who had the chief hand in making it, were punished by parliament; and others had, perhaps, been more severely punished, if they had not fled from justice. This, my Lords, may perhaps be the fate of the Convention in some future parliament, though the father of it seems now extremely fond of his child; for I cannot but look upon his Majesty's Speech, and the Address now proposed, as a second approbation of that Convention; I must think them designed as a new triumph over those that opposed it, which can give no great joy to the nation, whatever it may do to the father of the Convention; and therefore I wish that, in order to make his country rejoice as well as himself, he would hereafter take as much care to triumph over those that broke it, as he now takes to triumph over those that oppose it.

This second approbation, this new triumph, I should have been easy about, if I had not thought it an encroachment upon the constitution of my country, and an imposition upon my royal master. I think it a most dangerous encroachment upon the freedom of our constitution, to have the legal opposers of any public measure represented as fomenters of heat and animosities, and promoters of divisions among the people. If they had been guilty of any illegal or violent practices, there might have been some room for giving them such hard names; but, as no such practices have been lately attempted, it must be allowed, by every one who understands our constitution, to be a downright misrepresentation; and it is a most dangerous imposition upon our sovereign, to make him the author of such a misrepresentation. I must likewise look upon it as a most dangerous imposition, to make him believe, that there are unhappy divisions, or any divisions, amongst his subjects, from whence his enemies can have the least room to hope for success. I wish they may have no other foundation to build their hopes on; for, if they have not, they will soon see that they have nothing to hope for, but from his Majesty's justice and moderation.

Whatever disputes our pacific measures occasion, and these were the only disputes that can be said to have produced any divisions, or any thing like heats and animosities amongst us, they are all now happily ended by his Majesty's declaration of war. That declaration, my Lords, I must join with a noble lord that spoke some time ago, in applauding. I think it is extremely right: it is well and strongly worded: the facts are well chosen, and the thoughts expressed with great energy; but I must observe, that it is a sort of summary of the arguments made use of last year against the Convention, and part of it, I believe, expressed almost in the very words of the Protest signed by many of your lordships upon that occasion, and entered upon the Journals of this House, as a testimony to posterity, of your having disapproved of what was then agreed to by a majority. This declaration, my Lords, has given full satisfaction to every man that was displeased with our former pacific measures; and surely, no man can suppose, that it is disagreeable to those that advised it. It is therefore unjust to say, that there are any divisions in this nation: it was wrong to say so to his Majesty: it was more wrong to advise him to say so in his Speech from the throne; and it would be still more wrong in us to confirm that misrepresentation, by any sort of insinuation in our Address.

War, my Lords, was what the whole nation, except a very few, long since desired. The few that were against it have done what was their duty: they have yielded to the general voice of their country; and the war is now declared. I have already said, and I must again say, that I thank God for it; for I think it a most providential war for this nation. It could be nothing but Providence that could so harden the hearts, or rather blind the understandings of the Spaniards, as to make them refuse or neglect to perform, on their part, a treaty which was both honourable and advantageous for them, but most inglorious and destructive for us. To us it would have been most unlucky, if they had paid the sum stipulated by that treaty. It was a Providence most propitious to this nation, that put them into a humour to hold us in such contempt as to refuse making that payment, which they had so solemnly promised; and as Providence has been favourable to us in forcing us into the war, I hope it will be as favourable to us in the prosecution. It is

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hardly possible the event should be unfortunate for this nation, unless we render it so by our own conduct; and as an uncorrupt and independent parliament is the best check upon a minister's conduct, I shall look on it as a bad omen of our future conduct, if we should, in this first session after the commencement of the war, shew so much complaisance to any minister, as to confirm a misrepresentation made by him to the crown, especially as that misrepresentation is of such a nature, that, if it be believed, it must render our enemies more obstinate, and our friends less ready to join in any alliance with us.

The *Lord Chancellor* again rose and observed, That although an objection had been made to some part of the noble lord's proposition for an address, and a long debate had ensued, yet no motion had been regularly made for an amendment; therefore, he thought it his duty to take notice, that if they insisted upon their objection, it would be necessary to mention the words to be left out, and to think of some words to be put in their stead; after which the question he was to put, would be, "Whether the words proposed to be left out should stand part of the motion."

Lord *Bathurst:*

My Lords; the words objected to, have been already mentioned, and I do not think it necessary to propose any to be put in their stead, till the question be first put, Whether or no they shall stand part of the motion. If that question be carried in the negative, it will then be time enough to think, whether any and what words ought to be inserted in the room of those left out. This, I think, is the parliamentary way of proceeding. What the next question may be, I shall not pretend to say, perhaps it may be, To address his Majesty to know who advised him to put into his Speech that paragraph, which has been found fault with. Even this would be parliamentary; but whether your lordships will think proper to go so far, I do not know. However, my Lords, to obviate the present seeming difficulty, I shall make you the motion for an Amendment, in form, thus: That the motion made by the noble lord, be amended by leaving out the words, "To express our deep concern, that any such heats and animosities have been fomented throughout the kingdom, especially at a time when the most perfect union is necessary against the common enemy, which we shall endeavour to our utmost to promote."

The Earl of *Ilay:*

My Lords; the noble lord upon the wool-sack did not find fault with your lordships' manner of proceeding: he only mentioned what was proper to be done; and when there is any defect or omission as to the form of your proceedings, it is his duty to acquaint you with it, and to inform you of what ought to be done. I shall grant, it is not absolutely necessary to mention before-hand, whether any, and what words are to be put instead of those proposed to be left out; but it is usual, and even candour seems to require it, because from thence, several lords may determine how to vote upon the first question.

As to the words objected to, I cannot, for my part, see the least occasion for leaving them out. I even think it necessary to keep them in. I shall admit, my Lords, that the late conduct of Spain, especially their non-performance of what they promised by the late Convention, has rendered us unanimous for war. But war or no war, was not the only dispute or division amongst us. There have been many others, some of which still subsist; and whatever there may be within doors, I am certain there are still great heats and animosities without. Are there not seditious libels now printed and dispersed? Are there not malicious stories spread against the government daily? Sometimes it is said, that we are not yet in earnest as to the war: at other times, that notwithstanding our declaration of war, we dare not strike a stroke. All the measures of our government are misrepresented to this very day: even the proceedings of this House are libelled, not only in conversation, but in print. Is not every lord sensible of this? Do not your lordships all know it? And in such circumstances, was it not extremely proper for his Majesty to caution us against divisions, heats and animosities? Will it not be necessary for us to declare in our Address, that we shall endeavour to avoid adding fuel to the heats and animosities without doors, by our disputes and divisions within?

The question was then put, and passed in the affirmative, Contents 68, Not Contents 41.

The Lords' Address of Thanks.] The Address was as follows:

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"Most Gracious Sovereign;

"We your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in parliament assembled, beg leave to return your Majesty our sincere and humble Thanks for your most gracious Speech from the throne.

"The great regard which your Majesty has expressed for the sense of both Houses of Parliament, in your proceedings with the court of Spain, is a continuance of that royal goodness, and concern for the true interest of your people, which we have so often experienced; and your Majesty's desire to have the advice and assistance of your parliament, as early as possible, in this important conjuncture, is a fresh proof of your real confidence in your faithful subjects.

"The justice and necessity of the War, which your Majesty has been pleased to declare against Spain, must be as demonstrable to all the world, as the violent and intolerable methods practised by that nation, to interrupt and distress the navigation and commerce of these kingdoms, are notorious; and it is the highest aggravation of this offensive and inexcusable conduct, that it has been obstinately pursued, in breach of the most solemn engagements, and in defiance of the highest obligations of friendship and good offices. But since Great Britain has been thus unavoidably called forth to arms, we esteem it our peculiar felicity, that we have a prince upon the throne, who, with paternal tenderness, joins in the just resentment of an injured nation; and whose magnanimity and steadiness are equal to the glorious cause in which he is engaged.

"On this occasion, the unfeigned tender of our lives and fortunes is no more than is due to your Majesty, and our country; and we do, from the bottom of our hearts, give your Majesty the strongest assurances, that we will zealously concur in all such measures, as may forward your preparations, and enable you to carry on the war with that spirit and vigour, which truly becomes the British name.

"Your Majesty's goodness in acquainting us from the throne, that you have augmented your Forces by sea and land, pursuant to the power given you by parliament, with all the moderation that was consistent with those desirable ends, which you, in your royal wisdom, have pointed out to us, as an instance of your Majesty's gracious disposition to avoid bringing any unnecessary burdens upon your people: and though we cannot flatter ourselves, that a state of war will not be attended with great expences, and some inconveniencies; yet, when it is undertaken, not to gratify the views of restless ambition, but to assert and maintain the honour and just rights of your Majesty's crown and kingdoms, we doubt not, but those powerful motives will induce all your subjects to undergo with cheerfulness whatever is necessary in the prosecution of it.

"It gives us inexpressible concern, that there should be any occasion for your Majesty to repeat your gracious admonitions against those Heats and Animosities, which have been fomented throughout the kingdom. As we cannot but most seriously lament the unhappy divisions thereby occasioned; so nothing shall be wanting on our part to heal them, by promoting that good harmony and unanimity, which are so necessary at this juncture: and we trust in God, that any hopes or views formed by our enemies upon such circumstances, will be found utterly vain and groundless; since all your Majesty's subjects must be convinced, that the security of our religion and liberties, and the safety and prosperity of these kingdoms, do entirely depend on the preservation of your sacred person and government, and of the Protestant succession in your royal house.

"In this common cause, interest, as well as duty, will make us unite; and we do with the greatest zeal and firmness assure your Majesty, that we are determined, at the hazard of all that is dear to us, to support it against all your enemies both at home and abroad; imploring the Divine Providence to give success to your arms, and make them the happy means of procuring a safe and honourable peace."

The King's Answer.] His Majesty gave this Answer:

"My Lords; I thank you for this Address so full of duty and affection to me, and of seasonable assurances of your vigorous support. The satisfaction you express in the measures I have taken, is very agreeable to me; and you may depend on my endeavours to carry on the war in such a manner, as may best answer the necessary ends proposed by it, and the just expectations of my people."

Debate in the Commons on the Address of Thanks.] The Commons being returned to their House, the Speaker reported his Majesty's Speech. Upon which,

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Mr. *Henry Archer* rose, and said:

Sir; as his Majesty has been pleased to declare in his Speech, that he has called us together so much earlier than usual, that he might take the immediate advice of his parliament at this critical and important conjuncture, give me leave to express the joy and satisfaction which I have in beholding so full a House upon this occasion, and particularly in seeing some gentlemen here again, whose great talents and experience have rendered them so able—and I hope I may now say they are no less willing,—to discharge this great trust and duty to their king and country.

The great cause of debate amongst us the last session is now at an end: we are now engaged in an open and declared war against a haughty, insulting enemy, whom neither justice nor humanity, the law of nations, nor the sacred ties of treaties could restrain from committing unheard of violence and cruelties upon our fellow-subjects, and insulting our Flag.

During these provocations we were not insensible of his Majesty's zeal and impatience to engage in the glorious cause of vindicating the honour of his crown, and asserting the rights of his injured subjects; but, like a common father and preserver of his people, tender of their lives and welfare, and graciously regarding the advice of his parliament, he was pleased to interpose his royal endeavours with the king of Spain, in order to obtain, without the effusion of blood or calamities of war, (which is the last of all remedies when other trials fail of success) that justice and satisfaction, which nothing but the amazing perfidy and baseness of the Spaniards could have refused.

Give me leave, Sir, to say, that in this was shewn true fortitude and greatness of mind; for it is ambition, it is wantonness, and military folly that delights in conquests; true valour knows no other aim than the peace and happiness of society. But when such measures did not succeed, when it was found necessary to have recourse to arms, the same zeal and unwearied pains, which had been before employed for establishing peace and public tranquillity, have been exerted in military preparations and armaments by sea and land, in order to annoy our enemy in the most sensible part: and all Europe must be now convinced, not only of the justice of our cause, but they will judge from our conduct that we have entered into the war with temper, and are carrying it on with the spirit and resolution of a brave and provoked nation. And it is with pleasure, Sir, that we must now behold the naval strength and power of our country sent forth to avenge our wrongs, spreading terror round the coasts of our enemy, and assuming the sovereignty of the sea without a rival. On the other hand, were we to view the situation of our enemy, he who so lately usurped a power over our ships at sea, prescribed a course to our navigation, and vainly laid claim to part of his Majesty's dominions at land; to what is his pride reduced? Not daring to venture out his fleet at sea, he creeps for safety within his ports.

In this situation we cannot but express our satisfaction in his Majesty's wisdom and conduct, and in the vigour and steadiness of his resolutions; nor can we, without ingratitude, forget his royal clemency and moderation in time of peace, and the tender and affectionate concern which he has shewn for his people; virtues which will always endear a prince to his subjects, and make him no less amiable in peace than formidable in war.

And if ever there was a time which called for the warmest expressions of duty and affection to the throne, this surely is the time; whilst we are engaged in a war abroad, and reproached, even by our enemies, for our divisions and animosities at home. Who is there, Sir, that can read the Spanish Manifesto without the utmost concern and indignation? Britain 'troubled with intestine divisions!' There is the source and spring of our misfortunes; it is from thence that our enemies have drawn their hopes of success against us, and formed such despicable ideas of our strength and power, as to dare to contend with this nation. But, Sir, it is not yet too late; we have it still in our power to disappoint their views and expectations: let us act with union and harmony amongst ourselves; let us join in the common cause of our country, and support his Majesty with vigour and unanimity; and we shall again make the arms of Great Britain dreaded, and put a speedy end to the war by a glorious and honourable peace; and therefore I shall beg leave to move, &c. (see the Address.)

Mr. *Pulteney:*

Sir; the hon. gentleman who made the motion, has said so much in praise of the wisdom and propriety of his Majesty's and his ministers' conduct, that he has left

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little or no room for me to add any thing to his panegyric. As to his Majesty, I know that when he is honestly informed of the state of the nation, of the distresses of his people, and the causes that produced them, none, even of those who labour under the evils, are more desirous of seeing them redressed: as for his ministers, I have always, when I had an opportunity, endeavoured to do them justice; I wish that to do them justice and honour had been more frequently the same. But, Sir, before I take any notice of the motion made by the hon. gentleman, I should speak a little with regard to a step taken by some of my friends and myself last session,* which we thought necessary, as affairs then stood, for clearing our characters to posterity from the imputation of sitting in an assembly where a determined majority gave a sanction to measures, evidently to the disgrace of his Majesty and the nation.

This step, however it has been hitherto censured, will I hope for the future be treated in a different manner, for it is fully justified by the Declaration of War, so universally approved, that any further vindication will be superfluous. There is not an assertion maintained in it that was not almost in the same words insisted upon by those who opposed the Convention. Every sentence in it is an echo of what was said in our reasonings against that treaty; and every positive truth, which the Declaration lays down, was denied with the utmost confidence by those who spoke for the Convention. Since that time, Sir, there has not one event happened that was not then foreseen and foretold: but give me leave to say, Sir, that though the treatment which we have since received from the court of Spain may have swelled the account, yet it has furnished us with no new reasons for declaring war; the same provocations have only been repeated, and nothing but longer patience has added to the justice of our cause. The same violation of treaties, the same instances of injustice and barbarity, the same disregard to the law of nations, which are laid down as the reasons of this Declaration, were then too flagrant to be denied, and too contemptuous to be borne; nor can any one reason be alledged for justifying our going to war now, that was not of equal force before the Convention. After that was ratified, Sir, and after the Address of Parliament to his Majesty on that head, there was indeed some sort of pretext for not commencing hostilities, because you had laid yourselves under a kind of obligation to see if the court of Spain would fulfil their part of the stipulations; but this was a reason that could have no place before that conduct was entered into and approved. It is therefore evident that if the war be now necessary, it was necessary before the Convention; of this necessity the Gentlemen (known, however improperly, by the name of Seceders) were then fully convinced. They saw, instead of that ardour of resentment, and that zeal for the honour of Britain, which such indignities ought to have produced, nothing but meanness and tameness and submission; and their natural consequences, a low, temporary expedient, a shameful Convention; a Convention which, had the Spaniards not madly broken it, must have ended in our ruin, must have thrown our own navigation into the hands of our enemies. To such a conduct as this they could give no sanction; they saw that all opposition was ineffectual, and that their presence was only made use of, that what was already determined might be ratified with the plausible appearance of a fair debate. They therefore seceded, if that word must be used on this occasion, and refused to countenance measures which they could neither approve nor defeat.

The state of affairs is now changed; the measures of the ministry are now altered; and the same regard for the honour and welfare of their country, that determined these gentlemen to withdraw their countenance from such a conduct as they thought had a tendency to destroy them, the same has brought them hither once more, to give their advice and assistance in those measures, which they then pointed

* "Before the news of the great success against Porto-Bello had reached England, the gentlemen in the opposition had altered their plan of conduct: they saw the unconstitutional Secession they had made was in fact disagreeable to the public, nor was their own party at all unanimous in the measure itself; for some of the more zealous amongst them punctually attended their duty in parliament, and had the thanks of their constituents for their attendance. The seceders therefore took advantage of the declaration of war being published to declare, that, as the difficulties which had hindered their attendance in parliament were now removed by that declaration, they were resolved to resume their attendance the approaching session." Tindal.

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out, as the only means of asserting and retrieving them.

Having said thus much, Sir, in vindication of that step, I shall not at present give myself the trouble of enquiring into the effects with which it was attended; or whether it had any influence in producing this Declaration of War. Neither shall I take any notice of the unwillingness with which a certain right hon. person near me is said to have entered into this war. I shall only take notice of the motion for an Address now made.

Here, Sir, I am very willing to agree with the hon. gentleman in what he observed, with regard to the wisdom and necessity of the Declaration of War, and the insults and injuries we have received from that nation, which is now the object of our resentment; I am very glad to hear these sentiments from that quarter. But I have somewhat to add about the means of making it conducive to the honour and interest of this nation. There is one measure, which, if constantly and resolutely pursued by us, will make this war of most lasting advantage to the nation, and that is, Sir, to take and hold. Let us attack their settlements in the West Indies with such a force as cannot be defeated; and let us put it out of the power of any ministry to give up the conquests we shall make: we shall then put the trade and navigation of this nation beyond all future violation.

And here I beg leave to observe, that all the nation has just reason to regret the miscarriage of a bill which I had the honour to bring in two sessions ago, by which his Majesty's adventuring subjects might have been encouraged to attempt conquests upon the enemy. If it had passed, I make no doubt, but before this time we should have seen the good effects of it; for nothing, Sir, next to our own weak and inconsistent conduct, has contributed more to the insolence of Spain, than a notion which they entertain, that we neither can nor dare attack them in their most sensible parts. If that bill had passed, this nation would soon have done itself ample justice upon its enemies, without putting the government to one shilling expence. We have an instance of the spirit and power, with which the private adventurers of this nation can act, in the glorious reign of queen Elizabeth; which was distinguished by nothing more than the success of our arms and counsels against that power which has now so long insulted us. It was to private adventurers that all the success of sir Francis Drake was owing; and till that spirit is revived, till we take and hold, we never can expect to see any advantage arise to the nation from this war: for which reasons I hope to see, before the end of this session, a Bill brought in with proper clauses to encourage not only his Majesty's forces, but his Majesty's subjects, to make conquests in the Spanish West Indies. In the last great war, Sir, this was thought a very proper conduct; and when one bill for that effect was not found sufficient to answer every objection that might arise, another bill was passed a very little time after more full and more explicit.

Perhaps I have been a little too long on this subject, and what I have said would have come much more properly from some gentleman in the administration; but I thought myself obliged, Sir, to say thus much in vindication of my own conduct when I brought in that bill, and of the arguments I then used to enforce it. Another reason why I have insisted so much upon it, is to do honour to his Majesty, who in his Speech certainly points to this conduct, and to express my readiness to support the ministry in that and all other steps that shall be taken in order to carry on this war with vigour and advantage. I dare say, Sir, that all my friends are of the same opinion with myself; I can venture to answer for them that there will be no other contest on this occasion, but who shall be most forward in assisting his Majesty to act with the weight that becomes the dignity of his crown, and may make the success answerable to the justice of his cause.

Having said thus much, Sir, I am naturally led to consider some expressions both in the Speech and motion, which I must own I could not, at first, hear without concern, and to which longer consideration has not yet reconciled me. His Majesty mentions Heats and Animosities. Sir, I do not know who drew up this Speech; but whoever he was, he should have spared that expression: I wish he had drawn a veil over the heats and animosities that must be owned once subsisted upon this head; for I am sure none now subsist. Was it the effect of these heats and animosities (to use the words of the Speech) 'industriously fomented throughout this nation,' that Spain, for twenty years, treated us with all the insolence, barbarity, and injustice that could

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have been practised upon a nation conquered and enslaved? Was it the effect of our heats and animosities, that our ministry concluded a treaty with that crown, which at once gave up all our trade and navigation to her mercy? Was it owing to our heats and animosities, Sir, that this treaty was ratified, approved of, and must have been now in force, had not the Spaniards themselves broke it? No, Sir, if there were heats and animosities, they were occasioned by the ministry not pursuing those measures they have now fallen upon. But since their conduct is happily changed, all animosities are extinct; nor will they ever disturb us again, till a conduct, as much to the discredit and dishonour of the nation as that which gave rise to them, shall make it necessary to revive them.

I will make no motion upon what I have said; only I must repeat it once more, that I heartily wish, for his Majesty's honour and service, that no mention had been made of heats and animosities; and I think we should more consult the reputation and dignity of this House, if in our Address we should take no notice of that clause of the Speech.

Sir *Robert Walpole*:

Sir; after what passed last session, and after the repeated declarations of the hon. gentleman who spoke last, and his friends, I little expected that we should have this session been again favoured with their company. I am always pleased, Sir, when I see gentlemen in the way of their duty, and glad that these gentlemen have returned to theirs; though, to say the truth, I was in no great concern lest the service either of his Majesty or the nation should suffer by their absence. I believe the nation is generally sensible, that the many useful and popular acts which passed towards the end of last session were greatly forwarded and facilitated by the secession of these gentlemen, and if they are returned only to oppose and perplex, I shall not at all be sorry if they secede again.

The hon. gentleman said, that they took that step, because he and his friends conceived that measures were pursued which tended to ruin the honour and interest of this nation; and that they have returned to their duty, because these measures are now at an end. Sir, I do not remember any one step which was taken in the whole of our transactions with Spain, that has not been fully canvassed in parliament, and as fully approved. The parliament can best judge what is fit or not fit to be done, and while I have the honour of bearing any share in the administration, I shall still think myself safe, and my actions completely justified, if they are, after mature deliberation, approved by a British parliament. The stale argument of corruption never shall have any weight with me; it has been the common refuge of the disappointed and disaffected ever since government had a being; and it is an accusation, that like all other charges, though unsupported by proof, if advanced against the best and most disinterested administration, and pushed with a becoming violence, a pretended zeal for the public good will never fail to meet with applause among the populace. I cannot, however, believe that the hon. gentleman and his friends have found any reason to boast of the effects produced by their Secession upon the minds of the people; for it was a very new way of defending the interests of their constituents, to desert them when they apprehended them to be endangered. I should not have touched so much upon this subject had I not been in a manner called upon to do it by what fell from the hon. gentleman who spoke last. I shall now proceed to take some notice of what he further advanced.

The declaration of war against Spain is neither more nor less than the consequence, which his Majesty again and again informed this House would arise from the Spaniards persisting in their refusal to do justice to his injured subjects; and what the hon. gentleman has said upon that head amounts to nothing more than that after the Spaniards had absolutely refused to do that justice, his Majesty proceeded to those measures which he had then more than once promised to take. I am sorry that the hon. gentleman should so far distrust the royal assurances, as rather to absent himself from his duty as a member of this House, than put any confidence in his Majesty's promise. But give me leave to say, Sir, that, from the well known character of his Majesty, this declaration of war is no more than what the hon. gentleman and his friends had not only reason, but a right to expect, even at the time of their secession, if the continuance of the injustice of the court of Spain should make it necessary to have recourse to arms. So that upon the whole, I neither see how his Majesty's not issuing this declaration of war, when they were pleased to require it, was a good

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reason for their running from their duty; nor how its being issued at last is any apology for their return.

The hon. gentleman has dwelt long on a measure which he appears to be very fond of, and that is, attacking the enemy in America, and vesting the property of what shall be conquered there in his Majesty's subjects. Sir, I do not think this a very proper time to come to any explanation upon that head; if it is a step proper to be taken, the wisdom of his Majesty and the parliament will certainly not omit it; and in that case I think the less it is talked of before it is put in execution, the better it will be for this nation, as the more likely to succeed.

As to the hon. gentleman's favourite Bill, which he has mentioned, and which was, I think, with great justice thrown out two sessions ago, I can see no use it could have been of, since, though it had passed then, it could not have taken place before the declaration of war. And if that Bill should be thought proper, we can now pass it, and let it immediately take effect.

The hon. gentleman made some remarks upon that part of his Majesty's Speech, which mentions heats and animosities, and seemed to think that they are now extinguished. Sir, I could wish they were; but I think it is evident to every common understanding that they are not. But though all former heats and animosities were now extinguished, the caution and advice given by his Majesty are very proper upon this occasion, because but very lately they rose to a very great height, to such a height, Sir, as in some measure even to disown the authority of the supreme legislature; for what construction can I put upon the actions of gentlemen who retire from the service of this House, because, as they pretend, the proceedings of the House are contrary to law and the constitution, though it is plain, that both the law and constitution of this nation have no other foundation than the determinations of parliament?

Sir, I will not say all I can upon this head. The hon. gentleman demanded whether the heats and animosities of the nation made you bear with the insolences of Spain for 20 years? If Spain treated this nation with insolence, if she injured his Majesty's subjects, her insolence was encouraged, and her fears removed by our divisions. For while such heats and animosities against an administration subsist, no government could be imagined so mad as to rush into a war, and expose themselves to foreign and domestic enemies at once. If these divisions appear to be laid asleep at present, it is only because the faction think they cannot with the least shew of decency continue their clamours, since they have been gratified in their favourite measures. The hon. gentleman blamed the Convention. Sir, I still think as well of the Convention as ever I did; and I believe the wisdom and moderation shewn by his Majesty in accepting of the Convention as a preliminary to a peace have produced this happy effect, that you have at present only Spain to contend with. It was this inclination for coming to terms, if terms in any degree equitable could have been obtained, which his Majesty had all along shewn, that has convinced all Europe that the insolence, injustice, and obstinacy of the court of Spain were the only causes of the war.

Upon the whole, Sir, I think the very objection which the hon. gentleman has made is some part of a proof, that divisions still subsist; for it is no great sign of unanimity that such insinuations and objections are started on the first day of the session; especially as the war has been hitherto so successfully and so vigorously carried on, as not to leave the least ground for reflecting either upon his Majesty or the administration. Therefore, Sir, I am entirely for agreeing to the motion.

Sir *John Barnard*:

Sir; as I attended my duty in this House all last session, and as I am resolved ever to do so while I have the honour to be in parliament, I can with the greater freedom declare my sentiments with regard to what has passed between the two hon. gentlemen who spoke last. As to the step that was taken by the hon. gentleman and his friends, in absenting themselves from the service of this House, I have nothing more to say, than that I am convinced the gentlemen themselves acted from good motives, and thought it for the service of the nation. This, Sir, I say, from my personal knowledge of these gentlemen, and of their zeal. But whatever were the motives to their taking that step, I am persuaded that they now no longer subsist; and that as the declaration of war has rendered us all unanimous, so nothing is now necessary to preserve our unanimity but a hearty and vigorous prosecution of it on the part of the ministry.

The hon. gentleman who spoke last said,

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That the war had been hitherto so successfully and vigorously carried on, as to leave no grounds for reflecting either upon his Majesty or the ministry. Sir, I believe there is not a man in the nation who would reflect upon his Majesty, in whatever manner it is conducted; but I fear, that, as it is, great numbers are dissatisfied with the ministry. As I have the honour to be a representative in this House for the most populous city, and a city of the greatest trade in his Majesty's dominions, or perhaps in the world, it is my duty to declare, that I do not think the war has been carried on with that vigour and success that migh have been expected; I shall take the liberty to point out a few instances wherein it appears to the trading part of that city, that there has not been the best management.

To the trade of this nation all administrations ought to have the principal regard; and every step, every measure they take ought to be with a view of protecting or improving it. But how does it appear, that the security and encouragement of trade has been, in the course of this war, attended to? Instead of building small 20 gun ships, the only ships that can most effectually curb the Spanish privateers, we have equipped scarce any other than great, pompous ships of 70, 80, or 100 guns, which, though they may be very serviceable in an engagement, I apprehend are almost useless for the purpose I have mentioned. It is, Sir, from their privateers only that we have any thing to dread; the Spanish fleet is not at present, nor can be for some time, in any condition to face ours; therefore the principal view of those who have hitherto had the direction of this war, ought to have been the protection of our merchant ships from privateers, by a sufficient number of 20 gun ships. If the government had wanted such ships, they might have bought as many as they wanted ready built: and in my opinion, the public money would have been laid out to much greater advantage than we have seen it.

There is another point, Sir, in which I think there has been a considerable defect in our management of the present war; and that is with regard to the small number of ships sent to the West Indies. It is there that we can only hope to distress the enemy, and it was there alone that the whole, or the greatest part of our force, ought to have been employed. An admiral (Vernon) was indeed sent out, and it is generally thought he is gone to the West-Indies, but we have not yet heard that the fleet he has with him has been able to do any thing; and indeed we have no great reason to expect that he can do much, as he carried out no land forces with him, nor any stores that are commonly used in attacking or demolishing forts, which is the business that must be first done in those parts.

Another thing which the merchants have very much at heart, is the stationing his Majesty's ships in proper places for protecting our own trade, and annoying that of our enemy. They observe that our trade has suffered very much for want of ships stationed at proper places; and that, except by the capture of two Caracca ships, the Spaniards have suffered very little.

From these considerations, I am afraid it will appear that upon balancing the accounts between us and Spain, since this war has commenced, the disadvantage is on our side. There was indeed one opportunity, which if we had been vigilant and active in the use of it, might have gone far towards repairing our losses; and that was the intercepting the Assogue ships: but that, like many other measures, has it seems proved unsuccessful. Perhaps, Sir, before we boast too much of the vigour and success with which the war has been carried on, it may be expedient to enquire by what means these ships escaped, especially as it was known that they were on their voyage, and as the course which they actually held was that in which our government might most reasonably have expected to have met them.

As to what the hon. gentleman said with regard to our divisions, really, Sir, I am of opinion, that whatever divisions are among us, must be charged upon the ministry, who, whether they have raised them or not, may now easily extinguish them by such a vigorous prosecution of this war, as may convince the nation that they are in earnest. At least I can venture to answer for the great body of which I have the honour to be one of the representatives, that they will think no expences they shall contribute too large, they will think no testimonies of their duty and zeal for the administration too strong, if this war is prosecuted with as much vigour as it has been undertaken with justice.

Sir *Charles Wager*:

Sir; I did not think that I should have

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spoken upon this occasion, but as some things have fallen from the hon. gentleman who spoke last which it is my duty to answer, I shall give the House what satisfaction I can with regard to the management of the present war.—As to our being greater sufferers by captures than the Spaniards have been, that, Sir, I believe is very true, and there is a sufficient, perhaps an invincible reason for it, which is that we have a great deal more to lose than they. The sea is covered with our ships, and the extent of our trade gives the Spaniards the advantages of very frequent captures. They have but very little foreign commerce in Europe, and the little they have is carried on in other bottoms than those belonging to themselves; so that the flag of other nations protects their property.—As to their American commerce, but a few ships are employed in it, and the great distance of the voyage, with the wideness of the navigation, renders the intercepting them very uncertain. The hon. gentleman mentioned the course of the Assogue ships. If I could conceive it necessary, I could easily convince every gentleman here, that it was not owing to any defect either of zeal or prudence in the administration, nor to any negligence of the Admirals who lay on those coasts, that they were not taken, but merely to an accident of their having met with an advice boat sent from their court, which it was fifty chances to one they would not have met with, and which made them alter their course. It was insinuated that we had not a sufficient number of ships employed to protect our own, and to annoy the enemy's trade in the West Indies. I do not know what gentlemen mean by a sufficient number, but to the best of my remembrance we have at present 34 ships great and small employed in that service. I believe that we have seldom or never had so great a number in those seas, and that in the present state of our navy, we cannot spare a greater number without neglecting the service in other places.

The other objection was founded on a supposed error of the ministry, in not employing a sufficient number of 20 gun ships. Sir, I own that 20 gun ships are of very great service in the present war. But the 20 gun ships in the service of the government, were not sufficient to supply all the services which the particular circumstances of this war required. Besides, that a good number of them had been found unfit for service, and must therefore be rebuilt. The hon. gentleman said that the government might have bought ships from private persons for that purpose. This very method is now pursued; some have been already purchased; and several contracts are now depending for purchasing more; but still there is required some time to fit them out, and to render them serviceable as ships of force. Upon the whole, Sir, there is no manner of doubt that some of the merchants, and trading part of the nation, have been sufferers since the commencement of this war, and possibly they may suffer still more if it continues: but this, Sir, was often foretold in the House before the war was declared, and is what our merchants ought to have charged their account with.

The Commons' Address of Thanks.] The question being put, the following Address was agreed to, without a division:

"Most Gracious Sovereign;

"We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave to return your majesty our unfeigned thanks, for your most gracious Speech from the throne, and to express our entire satisfaction in your majesty's declaration of war against the crown of Spain; a war, which the repeated violences and depredations committed by the Spanish nation upon the trade and commerce of these kingdoms, the notorious violation of their most solemn engagements, their obstinate refusal of making reparation for past injuries, and of giving security against the like for the future, have rendered just and unavoidable.

"It is with the highest sense of duty and gratitude we acknowledge your majesty's wisdom and paternal care of your people, in making use of the power granted to your majesty by parliament, for the security and defence of these kingdoms, for the protection of our trade, and for the distressing and annoying our enemies in the most sensible and effectual manner; and we beg leave to assure your majesty, that nothing shall divert or deter us from sustaining, with satisfaction and cheerfulness, any extraordinary expences and inconveniencies, that must inevitably attend the various and extensive services, which your majesty shall find necessary to undertake, in vindicating the honour of your crown, in asserting the rights of your people, and in procuring justice to an injured and provoked nation.

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"And we beseech your majesty, to accept the strongest and most affectionate assurances, that, in defence of your majesty's kingdoms, and in support of the common cause of our country, we will raise such effectual supplies, and with such cheerfulness and dispatch, as will forward and give spirit to your majesty's preparations, and enable your majesty to carry on the war with vigour.

"And your dutiful Commons, being truly sensible of the fatal consequences of intestine heats and animosities, will, with a zeal becoming the representatives of the people in parliament, endeavour to compose those unhappy divisions, which have too long prevailed among your majesty's subjects; and we do assure your majesty, that nothing shall be wanting on our part, to restore to the nation that union and harmony which may effectually defeat and disappoint all the vain projects, hopes, and expectations of your majesty's open and secret enemies, both at home and abroad."

The King's Answer.] The King returned this Answer:

"My Lords and Gentlemen;

"I thank you for this dutiful Address, which is so agreeable to former Resolutions of both Houses of Parliament. Your unanimous and vigorous support in carrying on the war will be the best means of procuring safe and honourable terms of peace; and you may rely on my utmost care and endeavour to obtain effectual security for the just rights of navigation and commerce belonging to my subjects."

*Debate in the Commons on the Bill for the Encouragement of Seamen.**] Nov. 16. Mr. *Pulteney* spoke as follows:

Sir; as war is at last declared against Spain, it will be very proper to pass a Bill for encouraging our Seamen. I had the honour to present one for that purpose two sessions ago, but it had not the good fortune to meet with the concurrence of this House. It was then objected, that by passing such a Bill we might interrupt the course of our negociations at the court of Spain: this, I presume, was the chief reason for which it was rejected. But as the negociations with that court are now at an end, I hope the proposal I now rise up to make, will meet with no opposition. The best method, Sir, for making the war successful, is to carry it on with vigour; if therefore any laws or regulations have formerly been thought necessary, they ought to be revived. For this reason, I take the liberty to move, that the 6th and 8th sections of an Act made in the 6th of queen Anne, entitled, 'An Act for the better 'securing the Trade of this kingdom by 'Cruizers and Convoys;' and also the 2nd section of an Act made in the same year, entitled, 'An Act for Encouragement of Trade to America,' may be read.—This being accordingly done, he desired that leave might be given to bring in a Bill, 'For the more effectual securing and 'encouraging the Trade of the British 'Subjects to America, and for the Encouragement of Seamen to enter into his 'Majesty's Service.'*

Mr. *Henry Pelham*:

Sir; the Encouragement of our Seamen is so necessary for preserving the rights,

* This Debate appeared first in the London Magazine for July 1740, and was thence copied into the Gentleman's Magazine of November and December following.

* "Mr. Pulteney renewed his motion for the Bill, which had miscarried before, 'For the more effectual securing and encouraging the trade of his Majesty's British subjects to America, and for the encouragement of seamen to enter into his Majesty's service.' This motion, after some faint opposition in point of decency, was agreed to: the bill was brought in and passed both Houses; and a proclamation in consequence of it was issued to let the subjects know, that his Majesty would grant them separate or united charters or commissions for the more effectually enabling them to attack or destroy the ships, goods, factories and settlements of the Spaniards, and to secure to them and their heirs, the full and undoubted right, property, and title to what they should take, or cause to be taken, from the enemy." Tindal.

"When Pulteney moved to bring in the Bill for the Security of Trade and encouragement of seamen, which had been thrown out last session by the exertions of the minister, Walpole opposed it with much warmth, and demanded that the measure should be postponed for the purpose of taking it into consideration. On the first reading, however, he did not venture to continue his opposition, and after a slight animadversion by Horace Walpole, it passed without a division. Although the minister appreciated the injustice of depriving the public of all share in the prize money, and of annihilating at once a great source of revenue, which might assist government in carrying on the war, yet he dreaded to resist so popular a measure, and to offend the navy of England." Coxe's Memoirs of Sir Robert Walpole.

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and vindicating the honour of this nation, that I can with the greatest sincerity declare, that no man has a greater regard for that useful part of his Majesty's subjects than I have. I shall always be for giving them all the encouragement that is in our power to bestow, and therefore shall always be ready to agree to any reasonable proposition that can be made for that purpose. What the hon. gentleman intends by the Bill he proposes to bring in, I cannot pretend to be thoroughly acquainted with; but if it is to be such a one as was brought in by him and some other gentlemen about two years ago, I must think his motion a little too precipitate.

By our constitution the crown has the sole and absolute property in every ship and cargo taken from an enemy by any of his Majesty's ships of war; and therefore, when any share of a prize is given or promised to the captors, it ought to be considered as a gracious condescension in the crown, for their encouragement. This, Sir, is the true state of the case, with regard to all prizes taken by any of his Majesty's ships of war: and as all acts of grace and favour ought to come originally from the throne, I think, if any law be necessary for regulating the distribution of those prizes that may, in the present war, be taken from the enemy, or for giving the whole or any share of them to the captors, we ought to wait till we have a message from the crown for that purpose. If such a Bill be brought into this House, before we have a message from the crown, it will, in my opinion, shew a sort of disrespect to his Majesty, which, I am convinced, is very far from being the intention of the hon. gentleman who has made this motion. It will be in some measure fore-stalling the favours of the crown, and transferring from his Majesty to some of the members of this House, that popularity which is to be gained by a measure that has the appearance of so much generosity and bounty.

If it be proper to give the whole of every prize taken by any of his Majesty's ships of war to the officers and seamen employed in taking her, his Majesty may do it without the authority of an Act of parliament, and if any farther powers are wanted for encouraging our seamen, I am convinced, his Majesty will apply to us for that purpose in a very short time. If we had sat for any number of days, and no such message had been sent to us, any gentleman might have taken the liberty to propose what he thought was necessary for encouraging our seamen, or any other part of his Majesty's subjects, to attack and plunder the enemy. If we should think the proposition reasonable, and necessary for the public service, it would be incumbent upon us to comply with it; and the performing of our duty, as members of this House, can never be inconsistent with the respect that is due to our Sovereign; but, however reasonable the proposition now made to us may be, however necessary for the public service, I am sure, it is neither necessary, nor incumbent upon us, as representatives of the people, to enter into the consideration of it the very second day of the session; and as it is a proposition that, in its own nature, ought first to be brought before us by means of a message from the crown, I think we ought to wait, at least for a few days, in order to give his Majesty time to consider and communicate to us, what he thinks may be necessary for encouraging not only our seamen, but every individual in his Majesty's dominions, to concur and assist in vigorously prosecuting the war now declared against Spain.

This, I think, Sir, is the least we can do upon this occasion; and therefore, I must beg leave to say, that I think it would be, in some measure, taking advantage of the crown, to order such a Bill to be brought in, even before we have paid our duty to his Majesty in an Address, by way of Answer to his most gracious Speech. Therefore, I hope, the hon. gentleman will agree to have his motion postponed for a few days; because the consideration of it may in that time be recommended to us by his Majesty; or if it should not, we may resume the consideration of it, without any breach of that duty which we owe to our Sovereign. I know that, during the late war against France, a Bill was brought in and passed into a law, for giving all Prizes taken from the enemy to the captors. As I have not lately looked upon that part of our Journals, I cannot positively say what it was that gave rise to that Bill; but I am apt to believe, that it proceeded from some message, or intimation from the crown; and as it cannot be more necessary in the present war, than it was in that, I can see no reason for our being in such a hurry.

At present, Sir, I shall not enter into the merits of the question; but as I have the honour to serve the crown, and consequently must know several facts, which some gentlemen may not be acquainted

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with, as I am at liberty, I think myself obliged, upon this occasion, to inform the House, that with regard to those prizes which Providence has already put into our hands, different applications have already been made to his Majesty: one from the captors, and another from the suffering merchants. I hope it will be allowed, that both ought to be regarded. The former think they have, from custom, a title to a very large share of the prizes, which have, by them, been taken from the enemy: the latter have suffered greatly by the enemy, and as reparation is one of the ends proposed by our going to war, they think they have a title to have some part of their losses made good, by appropriating to that use some share of those prizes that shall be taken by his Majesty's ships of war. Both these petitions are founded on justice, and for this reason his Majesty has already answered, that when a value is put upon the prizes, and the ships and cargoes disposed of to the best advantage, both shall be considered. With regard therefore to the prizes already taken, we neither can, consistently with his Majesty's promise, nor ought we to give the whole to the captors; and with regard to those that may hereafter be taken, I am in great doubt, whether we ought to do so by an established law: his Majesty will certainly do so, when he thinks they deserve it, and as often as the treaties now subsisting between us and our allies, and the justice that is due to our injured merchants, will admit of it; therefore, I believe, the best and the wisest thing we can do, is to leave the law as it stands at present. I am sure, his Majesty will never desire to make an advantage to himself by any prize that shall be taken. The captors will always be sufficiently rewarded, and the residue, so far as is consistent with the regard we ought to have for our allies, will be applied either to the public service, or to make good the losses of our merchants. Thus, whilst a discretionary power remains in the crown, our seamen will have a proper encouragement, without doing injustice to any other part of his Majesty's subjects, and without giving a just offence to any of our allies. Whereas, if by an established and unalterable law we give the whole to the captors, they may often have more than ought, either in justice or prudence, to be given them: injustice will, in my opinion, be done to our suffering merchants, and we may give some of those who are now our allies, or at least our pretended friends, a good pretence for joining with Spain against us. The ends proposed by the motion I highly approve of, and if the Bill be calculated effectually to answer those ends, I shall be ready to agree, not only to its being brought in, but to its being passed into a law.

Mr. *Sandys* replied as follows:

Sir; when I heard the motion made by my hon. friend, I little expected it would have been opposed. To secure and encourage effectually the trade of his Majesty's subjects in America, and to encourage seamen to enter into his Majesty's service, are points of such great consequence to this nation, and so necessary upon the present occasion, that I imagined every gentleman would have been curious to see what expedients had been thought of for these purposes. Surely, it must be allowed, that our trade to America is of the utmost consequence to this kingdom; and I am sure, it has neither been secure, nor encouraged for almost these 20 years past: it must certainly be allowed, that it is at all times, but especially in time of war, of great consequence to the nation to have our seamen ready and willing to enter into his Majesty's service; and I am sure, that for several years past, they have been so far from being ready and willing, that many of them have most industriously, and often even perilously, avoided being forced into his Majesty's service. Gentlemen may make declarations of the regard they have for our seamen, and of their readiness to concur in any proper measures for their encouragement. I am persuaded the hon. gentleman who spoke last was sincere in the declarations he made. But it is not from our declarations, but from our actions, that those without doors judge of our intentions; and unless they feel the good effects of our declarations, they will be apt to judge amiss of our sincerity. I have, in this House, heard many sanguine declarations in favour of our seamen; and yet, I do not know by what mischance, that useful body of men have of late years been very little regarded, whilst our mercenary troops, an useless and dangerous body of men, have met with all possible favour and encouragement. The former have been of late years so often pressed into his Majesty's service, and dismissed again without making the advantages they might expect, that I do not at all wonder to see them now absconding, and even

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venturing their lives to avoid being forced into the service. As the pay in his Majesty's navy is not near equal to that given by merchants, nothing can tempt them to enter on board the navy, but hopes of extraordinary advantage by the prizes they may take: but these hopes they have been of late so often disappointed of, that they began to despair of ever meeting again with any such opportunity; and the disappointment the Bill now proposed met with two years ago added not a little to that despair. Even when his Majesty's orders for reprisal were issued and published, they doubted if they should be allowed to execute them as they ought, or have any share of the prizes they might take. It is chiefly owing to these doubts, Sir, that we still find such a difficulty to man our fleet: and, therefore, I wish the Bill proposed two years ago had passed into a law. It could have been attended with no inconvenience, and would have been of great advantage at the commencement of a war. We have already severely felt the disadvantage of not passing it at the time it was proposed, and therefore, in duty to our country as well as our King, we ought to take the first opportunity for rectifying that mistake. The best method for shewing our respect to his Majesty, is to do every thing we can for his service, and to do it as soon as we find it is become necessary. To delay doing what we think necessary for his Majesty's service, till it be applied for, or till he be advised by his ministers to apply for it, may be a testimony of our respect for them, but it is a breach of that duty we owe to him. In all cases we ought to distinguish carefully between the respect due to the crown, and the regard that may be claimed by the ministers of the crown. To the crown we owe a great and a sincere regard, but to ministers none, but what they justly acquire by their conduct. Nay, a regard for the latter may often be inconsistent with that regard which is due to the former. Of late years parliaments have shewn a much greater respect to the ministers of the crown, than was usual in former ages; and I am under some apprehensions, that by continuing to shew the same respect for a few years longer, we shall at last lose all that respect which the people of this kingdom ought to have for their parliaments. If this should ever happen to be our case, which God forbid! our happy constitution would be at an end: our people could not then be governed by parliaments, or by any sort of civil government; they must be ruled by a standing army, and a military sort of government.

I admit, Sir, that some acts of grace and favour, such as indemnities and the like, are usually brought into parliament by a message from the crown; but that nothing of a popular nature ought to be brought into parliament, without such a message, is a doctrine new and surprizing. At this rate no law for the public service, or for removing a public grievance, could be proposed in parliament, without a previous message from the crown; for every such law, must in its own nature, be attended with popularity; and to introduce it without such a message, might in every case be called forestalling the favours of the crown, with as much justice as in the case now before us. Such a doctrine would indeed make parliaments very respectful to his majesty's ministers, but it would make them very useless to his majesty's subjects, and of as little use to his majesty himself; therefore, I hope, it will never gain a prevalence in this House. As soon as we are assembled here, we are in duty bound to consider what laws are necessary for the public service; and we are in duty bound to bring them in, and to pass them as soon as we can. If they are such as are popular, our sovereign will always have a great share in that popularity, by readily giving them the royal assent: even his ministers may have a share in the popularity, by readily giving their concurrence in passing them through the two Houses of Parliament. But if the king should, by the advice of wicked ministers, refuse his assent, or if the ministers should oppose them in parliament, and thereby expose themselves to the hatred of the people, they meet with nothing but what they deserve, and whatever may be the consequences, they have themselves only to blame. For this reason, Sir, if there is any popularity to be gained by this Bill, I hope those in the administration will take care to have a share of it, by giving us their assistance to get it passed into a law; and I think I have clearly shewn, we can testify our respect to his Majesty, no way better than by bringing it in and passing it with all imaginable dispatch.

I grant, Sir, that his Majesty may without the authority of an act of parliament give the whole of every prize to the captors; and I verily believe his Majesty is

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of himself extremely willing to do so. Where then is the harm, or where is the disrespect, in doing that by a law, which his Majesty is willing to do of his own accord? It may, it is true, be promised by proclamation: I think it ought to have been promised by proclamation as soon as the reprisals were published; but to do so by an act of parliament is a more solemn way of doing it, and will add to the confidence, and consequently the encouragement of our seamen. Besides this, Sir, it will prevent that grievance so intolerable to all the officers and seamen of the navy, which gave occasion to a bill of the same nature in the late queen's time. We all know, that before the act of the 6th of queen Anne, for the encouragement of the trade of America, we had a Prize Office established, which had the disposal and distribution of all prizes taken by her Majesty's ships of war; and we likewise know, that a great deal of the money produced by the sale of any prize stuck to the fingers of the officers and clerks employed in that office. Now, as it is both better and easier to prevent than remedy a grievance, and as some such office as this must be now revived, unless such a law be passed, as is by this motion intended, I hope the bill now proposed will meet with no further opposition.

It does not appear from our Journals, Sir, that either the law by which this Prize Office was abolished, or any of the regulations now proposed to be revived, were owing to any previous message or intimation from the crown. Nay, I doubt much, if the law for demolishing the Prize Office was so much as advised, or sincerely approved of, by those who were at that time the chief ministers of the crown. The ministers in that age were, I believe, something like those we have in this; and I have always found ministers extremely unwilling to demolish any office where the nomination of the officers belonged to them. On the contrary, they have always been inventing new offices of this sort; and if at any time they found themselves under the necessity of consenting to the demolition of such an office, they have generally taken the first opportunity they could safely lay hold on, for reviving it. Therefore, when a law becomes necessary for demolishing any such office, or for preventing the establishment or revival of such a one, I must think that, if we are to wait for a message from the crown for that purpose, no such law will ever be passed.

Having thus, I hope, fully answered the only argument advanced for postponing this motion, I shall next say something to those objections that have been made against giving the whole of the prizes to the captors; and here I find the sufferings of our merchants are to be made a handle against giving the same encouragement to our seamen, that was given in the last war. Sir, I am glad to find, that we now begin to shew some regard to our suffering merchants. No man can more sensibly feel the losses and misfortunes they have met with than I do, and for this very reason, I am for giving the whole of every prize to the captors, because, I think it is one of the best methods for procuring them full reparation and perpetual security. It is not from the prizes that may be taken during the war, that our merchants can expect full reparation. If we resolve to give them a large share of every prize, I am afraid very few will be taken; and if we give them but a small share, the whole amount will not near answer the great damages which they have suffered, during the long course of time they have been left exposed to the depredations and insults of Spanish guarda costas. It is from a vigorous prosecution and happy issue of the war, and thence alone, that they can expect a full reparation; and therefore I am convinced, that most of our suffering merchants will, for the necessary encouragement of our seamen, frankly resign the insignificant and partial reparation they can expect, by having a share in such prizes as may be taken, in order to have not only a full reparation for their past sufferings, but an absolute security for the future, by a happy and glorious issue of the war we are now engaged in.

I am convinced, Sir, that the hon. gentleman pleaded for our merchants having a share in the prizes entirely from the compassion he has for their sufferings; but I must beg leave to say, that I think it a sort of compassion, which can do no service either to them or their country; because it creates a kind of opposition between them and our seamen, which is an opposition that, I believe, very few of them will desire to propagate. It is something extraordinary, that we should now testify such a compassion for our suffering merchants, when some few of them may perhaps by a petition have set themselves in opposition to our seamen; and that we

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were so slow in relieving them, when the only opposition was, between them, and those who plundered them, or who tamely allowed them to be plundered. For many years we gave no proof of compassion for their sufferings, but by fruitless applications to the court of Spain; and now we are engaged in war, we seem to be getting into as wrong a method for shewing our compassion, as we were in before; for it is certain, that the most proper and effectual way is, to take every method we can think of, that may any way conduce towards bringing the war to a happy and speedy issue.

But I must put gentlemen in mind, that at the same time we are testifying our compassion for those that have suffered, we should think of having a compassion for those that may suffer; for if we do not, our future sufferings may far exceed those that are past. For this purpose, Sir, the bill now proposed to be brought in is absolutely necessary. In the present war, if proper care be not taken, our merchants may suffer vastly more by the enemy's privateers, than they have ever done by their guarda costas. To prevent this, we ought by all possible means to encourage our ships of war, both public and private, to attack, and take or destroy those of the enemy. Every one knows, that there is very lttle to be got by taking a privateer; and therefore we can hardly suppose that our privateers will attack, or endeavour to take or destroy any one of the enemy's, unless we give them a reward for so doing. I know, that his Majesty's ships of war are obliged to attack an enemy, when any one of them fall in their way; but I am afraid, that even some of his Majesty's ships of war will not be very diligent in looking out for such, or in cruising where such only can be met with, unless we give them something more than they can expect by the capture. This we soon became sensible of in the late war, and therefore, by the act of the 6th of queen Anne, for the better securing the trade of this kingdom, by cruisers and convoys, a reward of *5l.* for every man on board any ship of war or privateer of the enemy's at the beginning of the engagement, that should be taken by any of our ships of war, public or private, was given to the captors, over and above what they could make by the sale of the prize. This encouragement, Sir, was found absolutely necessary in the late war, and by experience proved to have a very good effect. And as this is one of the encouragements intended by the bill now moved for, I am surprised to find a delay proposed by a gentleman, who I am sure has a sincere regard for the merchants and trade of this kingdom. To delay it but for a few days, upon a pretended punctilio of respect to the crown, may occasion the ruin of several honest merchants, and a ruin too, which might otherwise have been prevented. Sir, it has already been delayed six months longer than it ought to have been. The war was certainly known at least by our ministers, before the end of last session, to be unavoidable, and therefore I must say, that if they had done their duty, they themselves should last session have brought in that very bill which they had so great a hand in throwing out but the preceding session. They had time enough after the 24th of May to have brought it in, and to have had it passed into a law before the conclusion of the session. I am sure, those who brought it in before would have been so far from envying them the glory or popularity of bringing it in a second time, that they would have joined in getting it passed through both Houses with the utmost dispatch; and the passing of such a bill could not have tended to alarm Spain so much, as the Vote of Credit did, which was passed towards the latter end of last session. If such a bill had passed last session, I am convinced our merchants would not have suffered so much as they have already done by the war. I am convinced the enemy's privateers would not have traversed the seas of Europe with so much security and impunity as they have done, since the commencement of the war.

This encouragement, Sir, so necessary for tempting our ships of war to look out for and destroy the enemy's privateers, is what his majesty cannot give without the authority of parliament; at least, he cannot appropriate to that purpose any of the money given for the public service. He may, it is true, give it out of the civil list revenue, and in that case promise it by proclamation. To have advised him to do so, would, I believe, have been one of the best and most faithful advices that could have been given by his ministers; and I wonder that those who now seem so jealous of depriving the sovereign of that popularity that may be acquired by acts of grace and favour, did not advise him to do so, especially, as they had neglected to provide for it, when it ought to have been done out of the public revenue of the

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kingdom. It might, by this time, have amounted to a large sum, considering the number of privateers the enemy have fitted out against us, especially if our ships of war had been dispersed, and properly stationed for intercepting them: but the more it had amounted to, the more esteem and affection would have been acquired not only by his majesty, but by those counsellors who had advised him to such a popular measure; and the highest sum it could have amounted to might, I believe, have been compensated by abolishing or curtailing some of those useless Pensions and Salaries, which are now paid out of the Civil List revenue, and which may add to the number of his majesty's servants and the minister's flatterers, but never can add to the number of his majesty's faithful subjects, nor to that of the minister's sincere friends.

This, I say, Sir, his majesty might have done without the authority of parliament; but as it has not been done, I little expect it will; and therefore this encouragement ought as soon as possible to be given, and provided for out of the public revenue of the kingdom, which can no way be, but by such a bill as is now proposed. Besides this, Sir, there are several other things intended by this bill that can be done no way but by act of parliament; and therefore no delay ought to be made, upon any pretence whatever, in bringing in and passing it. The very bringing in such a bill will give new spirits to those seamen that have entered, or have been pressed into his majesty's service, and will prevail with many, who are now absconding, to appear and enter themselves on board some of our ships of war. We hear daily complaints of the difficulties of manning our fleet; and shall those very gentlemen who make them, out of a pretended punctilio of respect to the crown, put off, but for a few days, the most proper thing we can do for removing those complaints? But suppose we should humour those gentlemen, in their imaginary respect for the crown, by postponing this motion for a few days, how are we sure that any Message will come from the crown in that time? And will not the argument for putting off the motion be much stronger then, than it is now; for if we should now postpone the motion, upon the pretence that it would be disrespectful, I think it would shew not only a disrespect, but a contempt if we should at any time hereafter order a bill in for these purposes without such a message; therefore, I hope, my hon. friend will insist upon his motion.

Sir *Charles Wager:*

Sir; when any present grievance is felt, or any future grievance apprehended, and when the one cannot be removed, nor the other prevented, without a new law for that purpose, it is our duty to think of, and pass such a law; but as a multitude of unnecessary laws is as great a grievance to society as any it can labour under, we ought to be extremely cautious of introduciug any new law; for if the evil can be remedied by the laws in being, this may, perhaps, be our case at present: our seamen ought to be encouraged—our ships of war ought to be encouraged to do their duty: but I shall be against bringing in a bill, till I am well convinced, that the laws now in being are in this respect deficient; for the evils proposed by this Bill to be remedied, cannot be said to be present evils; none of them have yet been felt; and whether they may not be prevented by a due exercise of that power, with which the crown is now invested, is a question that, in my opinion, admits of some difficulty. In the late queen's time, it was not so. The war we were then engaged in had been carried on for several years, and the prize-office had been found by experience to be an intolerable grievance upon the officers and seamen of her Majesty's navy. I had, at that time, the honour of being commander of one of her Majesty's ships of war; and with regard to one of the prizes I had the good fortune to take, I remember, I was so far from getting any thing by it, that I was brought in debt to the Prize-office. This was a convincing proof that some new regulation was necessary, with regard to the prizes taken by her majesty's ships of war; and it had likewise been found by experience, that our ships of war had been a little negligent of their duty in looking out for, and attacking those of the enemy; which at that time made the parliament as well as the government, think it necessary to give the reward of 5*l.* a man, mentioned by the hon. gentleman that spoke last. These were evils that were then present and severely felt, and therefore it became necessary to make the new regulations which are now proposed to be revived; but the parliament did not then think, that those evils would recur, or that those regulations would be necessary in every future

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war; if they had, they would have made those laws perpetual: Whereas they were made temporary, and to continue no longer than during the war we were then engaged in. Nay, I believe, if they had then but thought it probable, that those evils would always recur, they would have made those regulations perpetual. Therefore, if we now form our judgment upon the opinion that then prevailed, we must suppose, that neither of these evils will probably be felt in the present war; and surely, we are not to increase the number of our laws, which is already most intolerable, by making new laws for preventing evils, that will probably never happen. For my part, Sir, I believe the evils cannot happen during the present; because, I think, his majesty has it very much in his power, by the laws now in being, to prevent them. He has already resolved, that after reserving some share for our suffering merchants, he will give the whole residue of the prizes to the captors. This, I hope, will be a sufficient encouragement for our seamen to enter into his majesty's service; considering the rich prizes that may fall into our hands, it will encourage the officers of his majesty's ships of war to be vigilant in looking out for the enemy's mercantile ships; and as the preferments in the navy are all at his majesty's disposal, I hope they will be bestowed in such a manner, as must make it necessary for every officer in our navy to be diligent in their several stations, in looking out for, and taking or destroying every ship of war belonging to the enemy, that they can meet with and overcome. Thus, I hope, Sir, all the ends that can be answered by the Bill now proposed, may be attained by those powers, with which his majesty is invested by the laws now in being; and if this can be done, I am sure it is unnecessary to make any new law for that purpose. If there are, his majesty must be allowed to be the best judge, whether any new powers be wanted, either for preventing the evils apprehended, or for contributing any way to the vigorous prosecution, and happy success of the war. I am sure they will be applied for by his majesty, as soon as he thinks it proper and necessary to do so; and till then, we ought to suppose, either that none such are wanted, or that it is not yet proper to think of them; so that even from the very nature of the case, we ought to wait for a Message, or some other sort of intimation from the crown, before we begin to think of methods for encouraging our seamen, or any other part of his Majesty's subjects, to do their duty, in the prosecution of the present war. If we bring in a Bill for this purpose, before we have any such Message, or any information, it may happen to be very imperfect and defective; and thus we may be obliged to bring in two bills, for what might have been easily done by one, which is a consequence we ought as much as possible to avoid.

Whatever other gentlemen may think, Sir, of the respect due to the crown, I shall always be against our doing what may in the least look like a disrespect, when it is any way possible to avoid it; and as his majesty has, by the laws now in being, a sort of property in every prize taken by his ships of war, I cannot but think, that it will look very much like a piece of disrespect in us, to order in a Bill for disposing of that property, without having his previous consent signified to us. This, I think, may be avoided, by postponing the motion but for a very few days, which I shall grant will be a delay with respect to the bringing in of the Bill, but I do not think it will be any delay with respect to its being passed into a law; because, when a bill is hastily brought in, it generally requires mature deliberation, and many amendments in its progress through the two Houses, which always takes up a great deal of time: whereas, when it is maturely considered, and fully concerted, before being brought in, the first draught of the Bill is generally so perfect, that it requires but few amendments; and the rapidity of its progress always bears a proportion to the maturity of its first concoction.

Lord Baltimore:

Sir; since those gentlemen, who have spoke against the motion, seem so very fond of having a Message from the crown, I must observe, that his Majesty's Speech is, in my opinion, a message sufficient for warranting our agreeing to this motion, or to any other measure, we think may contribute towards a vigorous prosecution of the war. His Majesty, in the very beginning of his Speech, has told us, that he called us together, at this time, sooner than has been usual of late years, that he might have the immediate advice and assistance of his parliament, at this critical and important conjuncture: and that he makes no doubt, but he should meet with a ready and vigorous support in this just and necessary war. Does not his Majesty, by

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these words, expressly signify his pleasure, that we should immediately enter upon the consideration of what may be necessary for his support in the present war, in order to give him our advice thereupon? And does not he shew, that he expects, we should readily agree to whatever we think necessary for that support? The present question therefore is not, Whether we shall wait for a Message relating to the Bill now proposed; for if it be necessary, or may contribute to a vigorous and successful prosecution of the war, we have already, in his Majesty's Speech, received a Message; so that the only question now before us is, Whether the regulations intended are necessary, or may contribute to encourage our seamen to do their duty in annoying the enemy, and protecting the trade of our fellow-subjects in Europe and America, as much as shall lie in their power; and this, surely, no gentleman can pretend to be a judge of, till he sees the bill which the hon. gentleman proposes to bring in. I think therefore, that whoever opposes this motion must be of opinion, that we have no occasion for giving any new encouragement to our seamen to enter themselves voluntarily on board our ships of war, or to do their duty when they are entered; and this is an opinion, which no gentleman can be of, that considers the extreme backwardness our seamen shew, in entering themselves on board his majesty's navy; or that considers the inconveniences we found ourselves exposed to, in the beginning of queen Anne's war. The former of these evils is what we now feel, and the latter we must certainly feel, from the very nature of things, unless we make the same provision against it, that was made in the last war. If no such provision be made, a prize office must be set up; for though his majesty should give the whole to the captors, he cannot impower them to appoint their own agents for the sale and distribution of the prize, without an act of parliament; and if a prize office be set up, can any one expect that the officers and clerks of that office will be more honest, or less rapacious in this age, than they were in the last? I am far from thinking we have improved in public virtue since that time: on the contrary, I believe, that a selfish and rapacious spirit is now more general than it was in those days; therefore, I am convinced, that a prize office will be a greater oppression upon our seamen in this war, than it was found to be in that; and for this reason, I think, we cannot provide too soon against it.

Then, with regard to the encouragement to be given to our ships of war, to attack those of the enemy, I shall grant, Sir, that if all the commanders of our navy were endued with a true heroic spirit, they would be as ready to attack the enemy where little else but hard blows is to be got, as where the richest and most defenceless prize may be acquired; but this spirit of heroism is now, I believe, no more prevalent than it was in the last age; and will, I am convinced, be found equally ineffectual for the end proposed. If rewards and punishments were duly and justly distributed; if merit only were preferred, and cowardice or negligence severely punished; I must confess it would, in this respect, have a very good effect upon the officers of his majesty's navy; but without derogating from our present excellent ministers, I believe, I may say, that no greater miracles can be expected from them, than were pretended to by those great men that were our ministers in the beginning of the late queen's reign; and they, we find, were willing to take the aid of an act of parliament, and a pecuniary recompence, for encouraging the officers even of his majesty's navy to do their duty. I hope our present ministers will follow their example; for whatever effect a just distribution of preferments may have upon the officers of our public ships of war, it can have but very little effect upon those ships of war that may be fitted out by private men; and in order to destroy that swarm of privateers, that have been, and may be fitted out by the enemy, I think it is worth our while to purchase the assistance even of our private ships of war.

Sir, the laws, now proposed to be revived were not made temporary, because the parliament then thought there would be no occasion for them in any future war, but because they could be of no use but in time of war; and that parliament certainly imagined, that after they had introduced the precedent, the parliament would never fail to revive them, as soon as any new war should break out. But I must observe, that a law's being at first made temporary, is no argument against its being of perpetual use. It is, I think, a very prudential caution in a free country, never to make any law perpetual, till it is found by experience to be a good law, and no way hurtful to our constitution. If this caution had always been observed, several perpetual

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laws now in being, I believe, would never have met with the honour of being revived, far less of being made perpetual.

The hon. gentlemen who oppose this motion are pleased to tell us, Sir, that his majesty is the best judge of the question, Whether the evils now apprehended, may be prevented by the powers, with which the crown is already, by law, invested. I wish these gentlemen would leave his majesty's name out of this question, as well as every other. It is not his majesty but his ministers that we are to suppose judges; and I hope his ministers will not take it amiss if I say, that I think this House as good a judge of this or any other question as they are. There are several gentlemen in this House, that know the powers with which the crown stands by law invested, as well as ministers can do, and I believe they are more impartial judges; for ministers are apt to be partial in favour of the powers and prerogatives of the crown, and to suppose them much more extensive than they really are. One may easily guess from the expired laws that have been read to us, that several things are intended to be done by this Bill, which cannot be done by any of the powers with which the crown now stands invested; and yet they are such things as every man must allow to be necessary for encouraging his majesty's subjects, of all ranks and degrees, to assist and to do their duty in the prosecution of the present war. For this reason, Sir, suppose our ministers had done all that was in the power of the crown to do, for the encouragement of our seamen in the present war, yet it could be no argument against the utility of the Bill now proposed. But when we consider, that all has not been done that was in the power of the crown to do, it renders it not only necessary to bring in this Bill, but to bring it in as soon as possible. It was in the power of the crown to have promised to give the whole value of every prize to the captors. This is so far from having been done, that we are told, it is not to be done. I feel as sensibly as any man the sufferings of our merchants, *but* I am not for putting the encouragement of our seamen, and consequently the success of the war, on a balance with giving them a little immediate reparation; and therefore, what the hon. gentleman, who spoke against this motion, has told us concerning the promised distribution of the prizes already taken, is in my opinion a strong argument for our passing this Bill. His majesty has called us together sooner than usual, in order to have our advice: if then, his ministers have committed a mistake, ought not we, in duty to our sovereign, to rectify that mistake as soon as possible? With regard to the prizes already taken, no gentleman, I believe, will be for altering any thing his majesty has done; but with regard to all future prizes, I hope we shall give the seamen the whole, in order to encourage them to be vigilant and active in doing their duty. No suffering merchant, that has prudence and a regard for his country, will repine at this; because if we push the war with vigour, and Providence does not declare against us, we shall obtain full reparation for them by an honourable peace, before, perhaps, even the prizes already taken shall be disposed of and divided amongst them. But suppose, Sir, it were right to give the suffering merchants a share of every prize, ought not this share to have been ascertained and publicly declared before now, that our seamen might have known what to expect from the prizes that were to be taken by their conduct and courage? Discretionary powers are, I know, of all powers, the greatest favourites with ministers; but those ministers must have a most extravagant love for discretionary powers, who will not depart from them or limit them, even by their own act and deed, in a case where the success of their country depends upon a limitation of some kind or other. At present our seamen do not know, that they are to have any share of the prizes they take; and this may probably be one of the reasons that has made them appear so much averse to his majesty's service. If our ministers have resolved, after reserving a small share for our suffering merchants, to give the whole residue to the captors, why reserve this resolution in petto? Why not publish it by proclamation? This is what they might have done by virtue of the powers now lodged in the crown: this would certainly have been more agreeable to our seamen, than to remain in that uncertainty, under which they labour at present; and since it has not been done by proclamation, I think we ought as soon as possible to endeavour to do it by Act of parliament. In such a case, shall we wait till the ministers come and desire us to rectify their mistakes? Surely no member of this House will say, that such a delay would be consistent with the duty or the dignity of parliament.

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If the Bill now proposed were a Bill that had never been thought of before, there might be some occasion for mature deliberation. But this is not the case: the Bill moved for is no new Bill. It is a Bill only for reviving a law that was found necessary in the last war, and which from the nature of things must appear to be necessary in this. Besides, the very Bill now proposed was fully considered, and actually brought in two years ago: I believe there will be occasion for very little alteration, unless it be in the preamble; and if any in the administration think, that there were faults or deficiencies in the former Bill, it is to be hoped they will assist in drawing up this in order to have those faults or deficiencies rectified; therefore I can see no reason for postponing the motion, nor do I think, that the delay thereby occasioned can be made good by any dispatch that can afterwards be given in passing it through the several branches of our legislature.

Mr. *John Howe:*

Sir; I have considered his majesty's Speech with as much care as I ever did any thing, and if I may be allowed to understand the English language, I am sure there is not a word in the whole Speech that can be supposed to relate to the Bill now moved for. With regard to the Supplies necessary for the service of the ensuing year, the Speech may, indeed, be allowed to be some sort of message, and I hope we shall comply with it both readily and unanimously; but with regard to any thing else, we may, I think, as well call it a prayer, or a command, as a message. His majesty has told us, it is true, that he has called us together sooner than usual, in order to have our advice at this important juncture; but if we have any advice to offer, we ought to do it by an Address, which is the usual way of communicating our thoughts to the crown, with regard to any thing we think ought to be done. I must think, that it is a new way of offering advice to the crown, to do it by way of Bill, and by a sort of Bill too, that makes a direct encroachment upon the prerogative royal; for if it be intended by the Bill now proposed to give the whole of every prize to the captors, I must say it will be a direct encroachment upon the prerogative of the crown.

By our present constitution, Sir, the crown may dispose of what is taken from the enemy, as a reward to the captors, and to encourage others to take as much as they can from the enemy; in which case, the crown has the power of proportioning that reward to the behaviour of each man concerned in the capture, which will always have a great effect upon the behaviour of private men; whereas, if you give the whole thus by the lump to the captors, you put it out of the power of the public to reward the bravery, or punish the indolence of any officer or seaman concerned in his majesty's navy. The whole will depend upon the chance of war, which, in every sort of war, must be allowed to be very whimsical, but in a naval war, it is more whimsical than in any other. A rich galleon, or Spanish register ship, may escape a most diligent admiral or captain in the West Indies, or about the Canaries; and by mere accident may fall into the hands of a most slothful and negligent commander upon the coasts of Spain. In this case, surely, it would be justice to give some part of the prize to those who had been diligent in looking out for her, and but a very small part to those who, perhaps by their sloth and not by their diligence, had met with her; but if the Bill now proposed should pass into a law, the slothful may have the whole, and those who were diligent, and perhaps by that diligence threw the prize in the other's way, may have nothing. What an effect this must have upon the behaviour both of our officers and seamen, I shall leave to those that hear me to consider.

In all other limited governments, Sir, the power of the supreme magistrate is always made more extensive in time of war, in proportion as the war is more dangerous. Amongst the Romans, who were as jealous of their liberties as any people ought in reason to be, a most absolute and arbitrary government always took place, when they found themselves engaged in a dangerous war. What the present war may be to this nation, no one can tell: I grant, we have yet no great reason to be much afraid of its consequences: as long as Spain stands single and alone against us, I believe we never shall: But who knows what other powers may engage? And if some of the other powers of Europe should engage against us, they may render the war not only burthensome, but dangerous to this nation; in which case, I should not think it very prudent to put restraints upon the power of our sovereign, which our constitution is very little acquainted with, and whose consequences

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we had no opportunity of knowing in the late war, both because it lasted but for a few years after the regulations now proposed to be revived were made; and because, from the time they were made, it was rather a land than a naval war, the enemy having been in some measure drove quite out of the seas some time before the 6th of queen Anne.

But, Sir, suppose there were no objection to be made against any of the regulations intended by the Bill, what occasion have we to be in such a hurry as to order the Bill in the very second day of the session? Let it be brought in, and passed when we will, we cannot make it commence till after Christmas; because by treaties long since entered into, we are engaged to restore all goods and effects found on board the ships of any nation we are at war with, if upon examination it shall appear that they belonged to any of our allies, and that the ship was taken within so many weeks in the seas of Europe, or so many months in the seas of Africa or the Indies, after the declaration of war. Now, as the war against Spain was declared but the 23d of October last, we cannot pretend to give to the captors the goods or effects of our allies, which may be taken even in the seas of Europe before Christmas next; therefore, if we were now to pass the Bill, we could not make it begin to take effect before some day in January next. For this reason, Sir, I can see no occasion for being in a hurry, especially as some gentlemen seem to think it inconsistent with that respect due to the crown; for since passing the Bill can have no effect till the day of its commencement, and since postponing of the motion will not postpone the day of its commencement, I think we ought to have so much complaisance for one another, as to postpone a motion which may, in a few days hence, be unanimously agreed to, even by those who this day find fault with its having been made.

Sir, I shall always be against our shewing a respect, either to the crown or to ministers, that is inconsistent with the dignity of this House; but in the present case, I must think the delay desired so far from being inconsistent with our dignity, that it would be inconsistent with the respect we owe to the crown not to comply with it. The Bill is certainly in its own nature a Bill of grace and favour: our seamen will look upon it as such, and will think themselves highly obliged to those who were the authors of it. For this reason I wish the first step towards its introduction had been made by the crown; I think we are in duty bound out of respect to his Majesty, to allow such a Bill to owe its birth to him. If the motion be postponed but for a few days, we may probably have a message for that purpose; and surely those who think it a right thing, will be willing his Majesty should have the merit of proposing it. The motion that has been made will derogate a little from that merit; but as I am convinced, that no gentleman has a greater regard for his majesty than the hon. gentleman who made the motion, I hope he will endeavour to lessen the bad effects it may have, by preventing its appearing in our votes, which he may do, by not insisting upon the question.

Mr. *Edward Hooper:*

Sir; as I was one of those that were sanguine for having a Bill of this kind passed into a law two years ago, it cannot be expected that I should be against it now, when such a law seems to be more necessary than it was at that time. Yet, I own if the motion had not been made, I should have been against making it so very early in the session. But now that it is made, I shall be against its being postponed; and I hope no gentleman will think of having a negative put upon it. Whether it appears in our printed votes or no, it will be heard of without doors. Even the populace, and particularly our seamen, will hear, that such a motion has been made in parliament, and that it was made without effect, which will be attended with very unlucky consequences. We are engaged in a war with an enemy that cannot be attacked by us, nor can they attack us, but by sea. For this reason, we have occasion for a great number of seamen; for without them, we can neither attack the enemy nor defend ourselves. From whatever causes it may proceed, we find by experience, that our seamen are unwilling to enter into his majesty's service. In these circumstances, will not our putting a negative upon this motion, or even our postponing it, render our seamen more backward than ever, to enter into his majesty's service? It will be impossible to make them understand the reasons assigned for postponing it, or to make them believe that it will be shortly resumed; they will look upon the delay as an absolute refusal to pass such a Bill,

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and thereupon they will naturally reason thus with themselves: what should we enter into the king's service for? We can have higher wages of the merchants; and by what has happened in parliament we may see, that we are to have no share, or but a small share, of any prizes we take. Will not this make them avoid entering into his majesty's service as much as they can? And this must of course retard, if not disappoint some of our designs against the enemy. As I am convinced the law now proposed will not only increase the alacrity of our people, but intimidate our enemies, I am sorry to find no intimation in his majesty's Speech relating to its being revived. Had such a law been recommended to our consideration from the throne, it would have convinced the world of his majesty's intentions to carry on the war with the utmost vigour.

The hon. gentleman who spoke last has told us, that the bringing in of such a Bill can have no effect till it be passed into a law. Sir, I must beg leave to differ from him. The very motion for bringing it in, the motion that is now before us, if it be agreed to, will have a very great and good effect. It will shew our seamen, that they are to have the whole of every prize they take divided among them, and managed, disposed of, and distributed by agents chosen by themselves. This will make them consider, that, besides their wages, they have a good chance of enriching themselves and their families, by being in the king's service; and this will, of course, make them fond of being in the service. I believe there will still be a want of seamen, as there always must be at the beginning of a war, unless we keep in continual pay a large body of seamen, even in time of peace; but it will probably remove that want of seamen in his majesty's service, which is now so sensibly felt, and so much complained of, even by those who are for postponing this motion. Therefore, do not let us do a real injury to his majesty's service, by shewing an unseasonable, and perhaps I may say, an imaginary respect to the crown.

I was indeed surprized, Sir, to hear it pretended, or insinuated, that we could not make this Bill commence till January next, because of the treaties between us, and some of the powers of Europe, who are now our allies and good friends. I know, Sir, that by some of those treaties, the goods of our friends or allies are not to be confiscated, though found on board an enemy's ship, if it shall appear that those goods were shipped on board that vessel before the declaration of war, or within so many weeks or months after. But what has this to do with the Bill now proposed to be brought in? Our seamen are not by this Bill to get any title to a ship or cargo taken from the enemy, till both be condemned by our courts of admiralty, as lawful prize. Can the goods of friends, though found on board an enemy's ship, be condemned as lawful prize, when it appears that those goods ought by treaty, or by the law of nations, to be restored to the proper owners? In this case the law is extremely plain, and care will certainly be taken in the drawing up of the Bill not to alter it, or render it doubtful by any clause, or any expressions in the Bill. The Bill is to be drawn up upon the plan of those expired laws, that have been read to you; and can it be said that there is any thing in either of them, that could authorize a judge-admiral to condemn as lawful prize all goods found on board an enemy's ship, even though it should be made appear, that some of them belonged to the subjects of a nation in friendship with us; and that they were shipped on board that vessel before our declaration of war against Spain, or even after that declaration, but within the times respectively limited by treaty? What, then, should hinder us from making the Bill begin to have effect, as soon as it shall receive the royal assent? Therefore, we ought to pass the Bill as soon as possible, because it will encourage the officers and seamen of his majesty's navy to be watchful and diligent in looking out for, and taking all ships belonging to the enemy; and we should, as soon as possible, order the Bill to be brought in, because that very order will induce our seamen to enter themselves voluntarily on board his majesty's navy. And as our postponing or disagreeing to the motion, now it is made, will have a quite contrary effect, when gentlemen consider the circumstances we are in, I hope they will depart from their punctilio of respect to the crown, and allow the motion to have, what it ought to have, the unanimous approbation of this House.

Sir *John Barnard:*

Sir: I find that the gentlemen who oppose this motion, pretend, that a respect for the crown is the chief cause of their opposition; and that they are not against

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the bill, but against its being moved for till we have some Message from his majesty; but I must observe, that most of them have said several things against the bill itself; and therefore as some of them may be supposed to have some influence in his majesty's councils, I am afraid that, if we postpone the motion till we have a message from the crown, we must postpone it till the end of the war. The point really in dispute is, about taking from the crown one of those discretionary powers, it is at present possessed of; and in such a dispute, Sir, I am no ways surprised to hear the continuance and utility of that power argued for by the gentlemen, who have, or the favourites of those who have, the exercise of all the discretionary powers of the crown in their hands; for ministers are extremely apt to fancy they see great advantages in every prerogative of the crown, and to be quite blind to the disadvantages it may be attended with. But as I have not the honour to be concerned in exercising any such powers; nor, I believe, the fortune to be much in the good graces of those that are, I can judge of the discretionary powers of the crown with less prejudice; and I can say without fear, that I am against all such, where they are not absolutely necessary; for I look upon a discretionary power to be very near akin to an arbitrary one; and am therefore for having as few such as possible. At present the crown has, it is true, the sole property in all prizes taken from the enemy by his majesty's ships of war; but I must beg leave to observe, that this property is vested in the crown only as trustee for the public; because the whole ought to be disposed of in the most prudent manner, for the benefit of the public; and ministers may be punished for a misapplication of that, as well as any other property belonging to the public; so that the power of disposing of those prizes is not, even as the law stands at present, altogether discretionary, nor is it near so arbitrary, as some people may perhaps imagine. As our laws stand at present, the crown, or rather the ministers of the crown have, I admit, a discretionary power to apply the produce of those prizes, that may be taken from the enemy by his majesty's ships of war, to what public services they please. If I thought that the power they have would always be made use of, in the most just and prudent manner for the service of the public, I should be loth to take it from them; I know it might be of great service to leave it in the power of the crown to grant a larger share of the prize to some of the captors than to others; and sometimes to grant a share of the prize, even to those who were not immediately concerned in the capture. I know that some of those who have, by law, a title to their share of a prize, may sometimes behave in such a negligent, or cowardly manner, as to deserve punishment rather than a reward; and therefore it would be of service to the public to leave a discretionary power in the crown, to reward the captors according to their several deserts, if it could be expected that this power would be wisely and justly applied; but this is not to be expected. This power will, I am sure, like all other discretionary powers, be often abused, and it may be made to serve very bad purposes; therefore I am for putting an end to it, by vesting the property of every prize in the captors; and to this I am the more inclined, because I know, that all the officers and seamen in the navy, at least those who have the greatest merit, would chuse it.

But suppose, Sir, his majesty were to grant the whole, or a certain share of every prize to the captors by proclamation; yet the inconvenience of a prize office would still remain: without an act of parliament he cannot impower the officers and seamen to name their own agents: he cannot by proclamation order, that with respect to this nomination, the minority of the officers concerned shall be determined by the majority; or that the minority of the ship's company concerned shall be determined by the majority; therefore without an act of parliament the grievance of a prize office must still remain, and it cannot be expected that it should be a less grievance now, than it was found to be in the late queen's time. When the agents are named by ministers, they are not only apt to levy exorbitant fees and perquisites upon the officers and seamen concerned, but to keep the whole produce in their hands for a long time, or for ever, if they can. It is now twelve or thirteen years since our last scuffle with Spain; and, I believe, some of the prizes which were then taken, are not as yet accounted for: I believe, the whole produce of some of them remains yet in the hands of those agents that were appointed by the crown; which, I am sure, would not have been the case, if the agents had been appointed by the officers and seamen concerned.

This inconvenience therefore must still

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subsist, unless some such bill as what is now proposed be brought in and passed into a law; and besides this, several other things are intended to be established by this bill, which will be of great service in the prosecution of the present war; and which cannot be established any other way than by an act of parliament. The *5l.* per man, reward, can be given no other way; and in my opinion it is absolutely necessary to give it, in order to encourage our ships of war to destroy those of the enemy. Preferment may be one motive, but that motive is not of itself sufficient, even though duly and regularly bestowed, which can hardly be expected; for true merit is seldom the most prevalent title to preferment. A pecuniary reward is a motive much more certain. Money often makes men do what nothing else can make them do. Without such a reward it is not to be expected that any of our privateers will attack those of the enemy. That privateers seldom attack one another is become almost a proverb in every nation of Europe. In king William's war the French and Spanish privateers often met in the Bay of Biscay. They were upon opposite sides in the war; but did they ever attack one another? No, Sir; when they met, they saluted, like good friends, wished one another a successful trip, and went upon their respective business. No one of them ever fought another, but once, that the captain of a Spanish privateer and the captain of a French one had a personal quarrel at a neutral port, whereupon they sailed out to sea, and engaged their two ships in the quarrel. If we have a mind therefore to have the enemies privateers destroyed, we must tempt our own by a pecuniary reward as well as the hopes of preferment, to attack them; and this can only be done by act of parliament.

Lastly, Sir, with regard to the encouragement intended by this bill to be given to private adventurers, to attack and take some of the dominions belonging to the enemy; this too can only be done by act of parliament. His majesty may incorporate them by charter; but he cannot by charter impower them to sail within the limits of the South-Sea Company's charter, those limits being exclusively established and secured to that company by act of parliament. Nay, I doubt, if his majesty's commission can give our privateers a right to sail within the limits of that company's charter, because by act of parliament, it is declared, that every other person, besides those employed by the company, that shall frequent or trade to the South Seas, shall forfeit the ship and goods, and double the value thereof. In our present circumstances therefore, a new law is absolutely necessary for impowering our privateers and private adventurers to sail within the limits of that company's charter; and till such a law be passed, we cannot propose to make any great advantage of the war; for which reason, I hope the present motion will be agreed to.

Sir *Robert Walpole*:

Sir; whatever other gentlemen may think, I see no reason why we should be more jealous of the discretionary powers lodged by our constitution in the crown, than we were heretofore; for, I am sure, no man can say that his present majesty has ever made an improper or an imprudent use of any one of them. The property of all conquests made, and all prizes taken from the enemy, has been vested in the crown ever since we had any such thing as a constitution, except for a few years in the late queen's reign: and the war we were then engaged in was so heavy upon the nation, that it was prudent and necessary at that time to encourage, by an established and public law, all private adventurers to distress the enemy, by giving them the sole and absolute property in every thing they should take; but I do not think the war we are now engaged in is yet become so heavy as to render it necessary for us to make an alteration in our constitution, for the sake of carrying it on with the more vigour. Besides, there is a very great difference between our circumstances now, and our circumstances when those laws were made, that are now proposed to be revived. The war we were then engaged in had been declared or continued for above three or four years before those laws were made; so that, if any of our friends had then any goods on board the ships of our enemies, or had granted any policies of insurance upon any of those ships, they could pretend no excuse, nor had they the least shadow of an argument against our shewing no regard to them, when those ships fell into our hands. Whereas the war we are now engaged in is but just declared, and therefore, even our people at home, as well as our friends abroad, may have valuable properties on board Spanish ships, which were shipped on board before they heard of the rupture; or they may have

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granted policies of insurance for large sums of money before they had the least notice of our declaration of war; in which case it would be very hard, and in my opinion unjust, to shew no regard to them, in case any of those ships should fall into our hands.

I admit, Sir, that the judges of our courts of admiralty could not declare those goods to be lawful prize, that should appear to belong to our friends, and to have been shipped on board before the declaration of war, or even after, but before the time limited by treaties between them and us; but if we should stand peremptorily upon the very letter of the law, especially with regard to those foreign friends with whom we have no such treaties, it might afford many just causes of complaint against us; and our judges could give no relief in any case where the express letter of the law is against the claimants, particularly with regard to insurance; for though the insurance was made perhaps here at London before the declaration of war, the judge must declare the whole ship and cargo lawful prize, without the least regard to the insurer; and by this Bill, you will put it out of the power of his majesty to shew any regard to him, or to give him any relief; though for his credit's sake he would be obliged to pay, even to the subjects of Spain, the sum for which he had taken a premium and granted a policy.

From these considerations, Sir, I think it is evident, that our circumstances are now very different from what they were, when those laws were made which are now proposed to be revived; and that the reviving of them so soon after the declaration of war may be attended with many inconveniencies they could not be subject to, when first enacted: besides, it is yet a doubt, whether or no it will be necessary to make such an alteration in our constitution, during the present war; and, I think, it ought not to be made, unless it be found absolutely necessary; because whatever exceptions we may be obliged to make upon particular occasions, I hope it will always be held as a general rule, not to be departed from without necessity, to vest in the crown the property of every thing taken from a public and declared enemy, and to leave the disposal or application of that property to our sovereign.

I readily grant, Sir, that with respect to the disposal of this property, the crown is properly but a trustee for the public. The whole ought to be applied, in some shape or other, to the service of the public; and the parliament may call to account, and ought to punish severely, any minister that shall dare to apply the least part of it otherwise. But as there are several public services, to which it may be usefully applied, applying the whole, by an established and unalterable law, to any one particular service, may be both imprudent and unjust; and I must think, that those who are entrusted by our sovereign with the management of our public affairs, may without any breach of modesty pretend, that they are the best judges of those public services, to which this property ought to be applied; for they must know many facts, and the general circumstances of the nation with regard both to our foreign and domestic affairs, much better than others can do; and if they have not so much common sense, the parliament ought to think of bringing about a change in the administration, rather than of encroaching upon the prerogatives of the crown.

There are four public services at present to which the produce of the prizes taken from the enemy may be properly applied. It may be given to the captors, in order to encourage our people to take as much as they can from the enemy; or it may be applied for giving reparation to our injured merchants; or it may be applied for defraying a part of the expence of carrying on the war, in order to prevent our being obliged to encroach upon the Sinking Fund, or to load our people with any new or additional taxes; or lastly, it may be applied towards paying our public debts. If we should have the good luck to seize any very valuable prizes, I shall be so free as to declare, that in my opinion the produce of them should be divided, and applied in some certain proportions to every one of these purposes, or at least to the first three. I am, as much as any gentleman can in prudence be, for encouraging our seamen; and therefore when the prize is but of small value or not above a certain value, I should be for giving the whole to the captors; but when the prize is of an immense value, as some of them may, and I hope will be, I am sure, if you give the whole to the seamen concerned in the capture, they will be seamen no more. There is one ship now expected, Sir, from Buenos Ayres, which is reckoned worth a million sterling: this ship may happen to be taken by one single

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man of war: if this should be the case, in my opinion, any minister that should give the whole of such a prize to the captors would deserve to be impeached by parliament; and I must think, it would be a little odd for the parliament to do by an act of theirs, what they ought, and, I believe, certainly would impeach a minister for doing or advising his majesty to do. It would be giving a most extravagant reward to the captors, and doing an act of great injustice to the nation, and in particular to the suffering merchants. If such a prize should happen to be taken by one single man of war, we might give a sufficient reward to the captors, and reserve as much as would go some length towards giving full reparation to our suffering merchants, or towards saving our land-holders, for one year at least, a shilling in the pound land tax: and both these sets of men have, I think, some title to our regard, as well as our seamen. Every war must fall heavy upon our land holders; and therefore, when we are successful, some part of what we get by the war ought to be applied to their relief: and as to our suffering merchants, we are both in honour and justice bound to make good to them, at least the 95,000*l.* which was to have been paid to them by Spain, in case we had not begun hostilities against that nation. We have already got some considerable prizes; and his majesty has given his royal word that our suffering merchants shall be considered, when those prizes come to be disposed of; but I must observe, that if the bill, which was brought in two years ago, had passed into a law, those merchants could have expected no share of these prizes: and if such another bill should be passed this session, they can expect no further reparation till the end of the war; and it would not be altogether just to make them wait till the conclusion of a war, which may last for several years, without any reparation, whilst many others of our subjects are made rich by the prizes they take. I must likewise think, it would be still more unreasonable, to make the reparation of our merchants depend upon the uncertain event of a war. By so doing, we may encourage our seamen, but we shall very much discourage our merchants; and let us consider, that if we have no merchants, we can have no trade, and that without trade we shall have but few seamen.

I wish, Sir, with all my heart, we had already met with more success than we have done; but those who consider the many chances that are against us must give thanks to Providence for the success we have already met with. In such a wide sea, as that between New and Old Spain, it is a great chance if our squadron meet with any of the enemy's ships. And even though our squadrons got sight of them, a dark night, a fog, or a contrary wind intervening, may prevent their being taken. Besides this, the enemy may probably soon find out how our squadrons are stationed, and may by sending out several advice boats prevent their rich ships from coming near those stations; for several straggling advice boats may more probably meet with a ship at sea than can be expected from a squadron, which must always keep close together. By these means their Assogue ships escaped admiral Haddock's squadron; and yet those ships would in all probability have fallen into our hands, as well as the Caracca ships, if admiral Vernon had not been detained in the channel by contrary winds, till about the time of their arrival in Spain. These considerations shew, Sir, that it will be a great chance, if we meet with many rich prizes during the war; and therefore we ought to make the best use of those we do meet with. If the disposing of them be left to his majesty, I am persuaded, the best and the most prudent use will be made of them; but if it be thought necessary to regulate this matter by a new law, I think I have shewn that it will be no easy matter to make proper regulations for this purpose; and therefore, I hope, gentlemen will, by postponing the motion, take time to consider of what is most proper to be done.

Mr. *Philip Gybbon*:

Sir; the objections at first made use of against the present motion were only upon account of its being too early; because, we were told, such bills ought to proceed originally from the crown; and that therefore we ought to wait a few days, in order to give his majesty an opportunity to send us a Message for that purpose. But the arguments made use of by the hon. gentleman, who spoke last, seem to be levelled against the bill itself, and that therefore no such motion ought to be made at this time, or at any future time. This indeed I suspected would be the turn which the debate would take at last; and therefore I foresaw what, I think, is now evident, that postponing the motion would be the same with

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rejecting it. To vest the property of every thing taken from the enemy in the captors by act of parliament, and thereby to destroy an office which has always been a lucrative one to the officers employed, who are all named by the crown, must be allowed to be a diminution of that power which is now lodged in the crown, and consequently in the ministers of the crown; and I do not think, that our present ministers have given us any room to hope, that they will advise his majesty to apply for any such act of parliament. To tell us, upon such an occasion, that there is no reason for our being jealous of any of the discretionary powers lodged in the crown, or that his present majesty has never made an improper use of any of them, is an argument that, out of respect to his majesty, ought never to be made use of in this House. His majesty never has made, his majesty never can, by our constitution, make an improper or imprudent use of any of the prerogatives of the crown; but his ministers may, and by our constitution we may in this House say, that they have. We meet here, Sir, to watch over and preserve the liberties of the people, and therefore we ought always to be jealous of every discretionary power, be it lodged where it will: we ought to admit of none such, but those that are absolutely necessary for the administration of our government, and the preservation of our constitution.

The discretionary power, which is to be limited by the bill now proposed, is so far from being necessary, that it was found to be a grievance in the last war, and will certainly be found to be one in this. Bills in parliament are often designed to prevent grievances that are foreseen, as well as to remedy grievances that have been felt; and, I am sure, he must be very little acquainted with the history of the last war, or the nature of things, who does not foresee the grievances which this bill is designed to prevent. The prize-office was in the last war found to be a most intolerable grievance upon the officers and seamen of our navy; and the backwardness that was shewn by our privateers, and even by our public ships of war, to attack those of the enemy, was then found to be a grievance of very pernicious consequence to our trade. These were grievances that did not proceed from the nature of the war we were then engaged in: they proceeded from the nature of mankind; and will therefore be found to be grievances in every war we can be engaged in, unless the same methods be taken for preventing them, that were then taken for removing them. In public offices, the officers will extort fees and perquisites from those that are obliged to have recourse to that office, and will detain in their own hands the money that goes through their office, as long as they can, in spite of all the care that can be taken to prevent it; therefore no such office should ever be established or kept up, if the public business can be carried on without it. The public service may be a motive with some men for attacking the enemy's privateers; but the public is generally best served, when men know that they serve themselves by serving the public; and therefore, care should be taken to join these two services together in every case where it is possible. Thus we may see, that both the grievances that were felt in the last war proceeded from the nature of mankind, and consequently must be felt in this war as well as they were in that. What then should hinder us from taking the same methods now to prevent them that were then taken to remedy them? Those methods were then found to be effectual, and to be attended with no inconvenience; and therefore it may, with much more propriety, be asked, what should make us now more shy of abolishing any of the discretionary powers of the crown, than we were at that time? The heaviness of that war, Sir, might have been made use of as an argument for being cautious of diminishing any of the discretionary powers of the crown, because in time of war, the more absolute a government is, the more vigorously, and the more expeditiously it may exert its strength; but those, we had the good luck to have at that time in our administration, judged better. They were not so fond of discretionary powers as to oppose any diminution, they saw would contribute towards encouraging our seamen to execute their orders with vigour and alacrity, The burden of the war, I say, Sir, might have then been insisted on more properly than now; and our ministers might then, as well as now, have endeavoured to recommend themselves to our county electors by an affected compassion for the burdens thrown upon the land-holders. But they scorned to amuse any set of men in the kingdom with such frivolous and shallow pretences. If they had, I am sure, we should have acquired no such glory as we did by that war, and the nation might have been put to a much greater expence, by

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being much longer engaged in it; for the more vigorously a war is prosecuted, the sooner it will be brought to a conclusion; and if, by applying to the present ease of the people, what should be applied to the encouragement of those employed in prosecuting the war, we should make it endure but for one year longer than it would otherwise have done, the people will always find themselves losers by the favour pretended to be done them, besides the danger the nation may be exposed to by a languid prosecution of the war, and the loss our trade must suffer, by not putting so speedy an end to it as we might have done.

It is certain, it is acknowledged, even by those who oppose this motion, that our seamen at present shew an aversion to his majesty's service. Let that aversion proceed from what it will, we ought to endeavour to remove it. To assure them, by Act of parliament, of the property of every thing they take from the enemy, and to free them from the plague of dancing attendance through an office for the recovery and distribution of that property, will certainly contribute in some measure to remove that aversion; and in framing the Bill, perhaps, some new and additional means may be thought of; therefore, I am astonished to hear a motion for such a Bill opposed by those, who complain so much of a want of seamen for his majesty's ships of war. But I am still more astonished to hear them oppose it upon a pretence, that no such Bill ought to be brought in without a previous message from the crown for that purpose. What a dangerous doctrine this is, every gentleman must be sensible of, that considers the nature of the Bill. It is a Bill for altering, nay for abolishing one of the prerogatives of the crown; and shall it be admitted in this House as a maxim, that we can make no alteration with regard to any of the prerogatives of the crown, unless we have leave to do so, by a previous message from the crown? I hope no gentleman will insist upon the necessity of our having any such leave. I hope it will be unanimously admitted, that all the prerogatives of the crown are under the cognizance of parliament, and that any one of them may be altered, restrained, or quite abolished by Act of parliament, when the public service, or the safety of our constitution requires it. Sir, if I were against the Bill, I should be for the motion, if it were for no other reason, but because this has been made use of as an argument against our agreeing to it; for I should be afraid, lest a seeming approbation of such an argument should be afterwards made use of as a precedent for establishing such a maxim. But as I am for the Bill, I have a two-fold reason for agreeing to the motion; and as I think it necessary in our present circumstances to bring in the Bill as soon as possible, I shall be against postponing the motion upon any pretence whatsoever: for if there be such difficulties as have been represented, in framing a proper Bill for the purposes intended, those difficulties can be no way augmented by an order for bringing it in. Such an order will awaken the attention of the nation, and may probably bring in assistance from those without doors, which we cannot expect till we have once ordered the Bill to be brought in; and the sooner it is ordered to be brought in, and persons appointed for that purpose, the sooner those difficulties will be got over; for till then, the solving of those difficulties may be said to be every man's business, and we all know, that what is every body's business is nobody's business. I cannot, indeed, see any of the difficulties the hon. gentleman suggested: we have a plan before us in what was done last war. Besides, the whole affair was fully considered, and a Bill actually framed and brought into this House, two years ago: I wish that Bill had been then passed into a law: if it had, we might not now have been at war. At least, we should have found less difficulty in getting seamen to man our fleet at the first breaking out of the war; and I cannot yet find out, that our passing it at that time would have been attended with any inconvenience.

I am surprised, Sir, to hear the hon. gentleman say, that if the Bill had been then passed into a law, our suffering merchants could have expected no share of the prizes we have already taken. Surely he cannot forget, that the Bill was not to take effect till several weeks after his majesty's declaration of war; therefore, it could no way relate to any of the prizes already taken, or to any we shall take for some time to come. But surely, a share in those prizes would have been of small account in comparison of the advantage which the nation would have gained by our passing that Bill, or the advantage which the merchants themselves might have made, by associating to fit out privateers, or make conquests by his majesty's

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ships of war. For this reason, Sir, neither the hon. gentleman nor his friends, can now have any reason to exult in their having then thrown out that Bill; and if they now throw it out a second time, I believe, they will find themselves very much disappointed, if they expect thanks for so doing from our suffering merchants, or from any set of men in the kingdom.

Mr. *Pulteney:*

Sir; as I did not expect an opposition to my motion, I at first avoided taking up your time with saying any thing in its favour; but now it has been opposed by so many gentlemen, and by gentlemen of such weight, I hope I shall be indulged the liberty of giving you my reasons for making it, and of adding something to what other gentlemen have done me the favour to say by way of answer to the objections made against it.

I freely own, Sir, that if I had not made this motion, I should have been mighty easy about delaying it for a few days: I should have most readily agreed to such a delay, if it had been for no other reason but to oblige those gentlemen near me, who have always seemed fond of delays with regard to every measure that had the face of war; but as they have resolved upon, and actually declared war, since I last had the honour to meet them in this House; I presumed, they had altered their affections, and that they would now be fond of every measure that might contribute towards a vigorous prosecution of that war, they had at last agreed to declare. If I had but suspected that it was otherwise; or, if they had any way signified their desire to me, before I made my motion, I should have waved it for a few days; but now it is made, I cannot part with it; because, as an hon. gentleman has already observed in this debate, the postponing of it, after it has been once moved, will be looked on without doors, as putting a negative upon it; and this in our present circumstances may be attended with most terrible consequences.

If the motion be popular, Sir, I am glad to hear it: it is, in my opinion, a very strong proof of its being right; but I did not make it with any view of popularity, and should have been glad to have shared the popularity of it with the hon. gentleman near me, and with every member of this House; which would have been the case, if it had not been opposed. It will still in some measure be the case, if it happens to be agreed to; because it will then be the act of the House, and every member will have a share of that popularity which may be acquired by it. But I must think the conduct of some gentlemen, who generally agree in opinion, very singular upon this occasion. Some of them say, the Bill I have proposed is so right and so popular a measure, that we ought to allow the crown to have the credit of proposing it; whilst others rise up and tell us, that it is quite wrong, that it would be an unnecessary and dangerous encroachment upon the prerogatives of the crown, and that it would be doing an injustice to our suffering merchants, to our landholders, and to the people in general.

These two methods of arguing, I profess, Sir, I do not know how to reconcile. If we should resolve to postpone the motion, and wait for a Message from the crown, I am afraid, it would occasion a division in his Majesty's councils; and therefore, to preserve the usual unanimity there, I believe it will be the best way for us, not to wait for such a Message, but to enter immediately into the merits of what I have proposed, and if it be right agree to it. For this end, I shall lay before you the reasons that induced me to make this motion, and answer some of the objections that have been made to it. In the late war, Sir, I mean that in the late queen's time, we had so great success, and gained so much glory, that I thought the best thing we could do in the present war would be to consider our conduct in that war, in order to make it a rule for our conduct in this. With this view, Sir, as soon as I thought that a war with Spain was become unavoidable, which was above two years ago, I began to recollect that several steps had been taken for carrying on the late war. One of the supports we had in that war, I mean a powerful alliance upon the continent, I foresaw, we could hardly expect in this, and that therefore it would be necessary for us to make the best use of our strength. Among other methods taken in the last war for exerting our own strength, I observed, that two laws had been made for encouraging our seamen to do their duty; and for encouraging private men to join together in societies for attacking and making conquests upon the enemy. As these laws were made to continue only during that war, I thought it would be necessary to revive them in case of a new war with Spain; and for this purpose I did, with the assistance of some

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other gentlemen, bring in a bill two years ago. The bill was then rejected, because we were not come to an actual rupture; but that objection being now removed, I thought it incumbent upon me to offer my bill again to the House.

To encourage our Seamen to do their duty, and to encourage even private men at their own expence to attack and distress the enemy, must necessarily contribute greatly to a vigorous prosecution of the war; and if it be vigorously prosecuted, it cannot be of long duration. Sir, as the affairs of Europe are at present circumstanced, our very being depends upon bringing this war to a speedy conclusion. There is a spirit of late years raised in every nation of Europe for improving their trade, navigation, and manufactures. All the powers of Europe, except Spain and us, are now at peace amongst themselves: our two great rivals in trade, the Dutch and French, are in perfect tranquillity. What then will become of our trade, if by a languid prosecution of the war, we allow it to be interrupted for several years by privateers under Spanish colours, whilst our rivals in trade are carrying on theirs without any disturbance? By the difference of freight and insurance, they will be enabled to undersell us, and in a few years to turn us out of every market in the known world. Thus our trade must be undone, unless by a vigorous prosecution we bring Spain to a speedy compliance. Spain has no trade to lose: she has no trade to be interrupted, but that between one part of her own dominions and another; and this trade may be suspended, but cannot be lost by the interruption. The Spaniards therefore can lose nothing by the continuance of the war, but what we take from them; whereas we may be undone by a long continuance, even though we should be successful against the enemy. It is therefore our business to take every method that can be thought of for bringing the war to a speedy, as well as honourable conclusion; and in the mean time, to take as much care as possible to prevent our trade being interrupted by the enemy's privateers.

Nothing can be more effectual for preventing the interruption of our trade, than to encourage our seamen by a pecuniary reward, to be diligent in looking out for, and alert in attacking the enemy's privateers, wherever they can be met with; and as the enemy must have their treasure brought from the West Indies to Spain in straggling ships, (for they cannot have it in fleets or squadrons) one of the best ways we can take for distressing them, and thereby compelling them to agree to reasonable terms, will be to intercept and take as many of these ships as we can. What can be more effectual for encouraging our seamen to be diligent in cruizing and looking out for these ships, than that of assuring them by act of parliament, that all they take shall be their own.

But, Sir, as this will not of itself be effectual enough for forcing Spain to a speedy compliance; and as it is incumbent upon us to think of gaining some national advantage by the war, in order to compensate the great expence the nation must be put to in carrying it on; and moreover, as no such advantage can be gained but by attacking and possessing ourselves of some of the Spanish settlements in America; we ought to think betimes of carrying such projects into execution. I do not say, that we ought to think of conquering and holding the whole Spanish America; but if we should take possession of the whole or greatest part, which, I believe is far from being impossible, we might pretend to hold it till the court of Spain agreed to give us satisfaction for all past injuries, and security against all future. Nay, we ought to insist upon keeping possession of some parts of the West Indies, and upon having the absolute property of them yielded to us, not only as a compensation for the expence we have been and may be at, but as a security for our trade in time to come. As long as we keep to a naval war only, the Spaniards can be no great sufferers by it: on the contrary, I believe, they will always be gainers, let us take what care we will. But if we should once turn them out of the whole, or a great part of their possessions in America, they would then immediately submit to any terms we should propose: in order to have that possession restored. I am sorry to find that the measures were concerted for this purpose, before we began hostilities against them; for by the execution of such measures we ought in good policy to have opened the war. It is by these means alone we can force them to a speedy and honourable peace: it is by these means alone, we can procure any security for our trade in time to come; and it is by these means alone we can propose to get any compensation for the expence we must be at in the prosecution of the war.

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If this be the case, Sir, ought we not to encourage private men to assist the public by endeavouring to make conquests upon the Spaniards in America? Would it not be of great service to any public expedition we may undertake, to have a set of private adventurers attacking the enemy in one place, whilst his majesty's squadrons and armies were attacking them in another? Does not this shew the expediency of reviving that law which was made in the late queen's time, for encouraging private adventurers to attack and make conquests upon the enemy in the West Indies? It had then no great effect, because people that had money made so much by turning it in the public funds, that no man thought of putting his money to any other use; but as that trade is now, thank God! not near so gainful as it was then, if this law be revived, the war prosecuted with vigour by the public, and our councils directed by those upon whom the people may depend, I am convinced, the law will now have a much better effect. We have all the reason in the world, to expect, that private adventurers will unite for making conquests upon the enemy, if they be convinced, that we are serious in carrying on the war: and that after they have been at a great expence, they shall not be prevented in their attempts by an unseasonable suspension of arms, nor their conquests sacrificed by a dishonourable convention.

We may remember, Sir, that soon after the Revolution there was a Corporation established in the northern part of this island, for making a settlement in a part of America, which the Spaniards pretend to belong to them, though they never had, nor have now, the least right or title to it. That corporation did accordingly make their designed settlement after having by fair purchase got a good title from the natives to whom it belonged; and I believe they would have kept possession in spite of the Spaniards, if a very preposterous sort of jealousy and envy had not at that time possessed us in this part of the kingdom. Whilst the two crowns were disunited, I do not wonder that there was a mutual jealousy between the southern and northern parts of this island; but after the two crowns came to be united, I cannot comprehend how a disunion and jealousy still subsisted between the two nations. Two nations inhabiting the same spot of earth, and that spot distinct and separated from all other parts of the earth, ought surely to have united and to have removed all sorts of jealousy, as soon as possible; that the northern part might not be left as an inlet for an invasion upon the southern; and yet, I do not know how that jealousy remained for some time after the Revolution, and was the cause of defeating that project, which would now have been of great advantage to the whole island. If the bill I have proposed should pass into a law, that society may again revive, and may be encouraged to take possession of what belongs to them. I am convinced, they would now be powerfully assisted by the people in this part of the island; and I hope our government would likewise give them all proper encouragement and assistance.

From what I have said, Sir, I hope it appears, that the Bill I have proposed must contribute greatly towards a vigorous prosecution of the present war, and consequently towards procuring us a speedy, an honourable, and an advantageous peace. This was the reason that induced me to move for its being brought in; and my reason for making this motion so early, proceeded from the great distress we are in for want of seamen, and the unwillingness they generally shew to enter into his majesty's service. That we are in a very great distress for want of seamen, will not, I believe, be denied even by those who have the honour to be employed in our administration; for they would not surely have put such a stop to our trade by pressing and embargoes, if a sufficient supply for his majesty's navy could have been got by any other means. This distress, Sir, I think it no very difficult matter to account for: our seamen have for these 20 years been not only neglected, but ill-treated. They have been upon every occasion, and often without occasion, pressed and hawled like slaves on board our men of war, without allowing them so much as the liberty of chusing which captain they would serve under. They have been discouraged from entering into his majesty's service by sending them upon expeditions with such instructions, as sometimes exposed them to great dangers and hardships, and at all times disabled them from gaining either riches or renown. They have been often dismissed, before their wages would answer the charge of fitting themselves out; and they have been dismissed at ports, from whence they had many miles to travel on foot, perhaps without a penny in their pocket, before they could come at any

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place where they could expect to get into the merchants-service, or into any other business. These, and many other hardships put upon them, drove some into foreign service, made others leave the sea, and betake themselves to some employment at land, and discouraged all in general from breeding themselves or their children to the sea service. By these means, our national stock of seamen, if I may so express myself, has been greatly diminished; and those that remain have been made to conceive such a distaste of of his majesty's service, that we find, they often run the risk even of death itself rather than be forced into that service.

From these causes, Sir, our present distress for want of seamen proceeds; and as I think the Bill intended by this motion will be a great encouragement to seamen, and likewise to landmen, to enter into his majesty's sea service, I resolved to move as soon as possible for its being brought in, because I was, and am still convinced, that the very motion for bringing in such a Bill, if it be agreed to, will contribute not a little towards removing our present distress. But if it should be either refused or postponed, I shall be extremely sorry for having made it: it will dispirit those seamen that are already in the service; it will prevent our seamen that are abroad from having any thoughts of returning home; and it may probably make some of those that are now at home fly into foreign, that they may not be pressed into his majesty's service.

Having thus, Sir, laid before you some of the chief reasons that induced me to make this motion, and to make it so early, I shall next take notice of some objections that have been made against it; and I must say, I was a little surprized at the first that was made. As I was conscious of the innocence of my intentions, I could not but be surprized at my being accused of shewing a sort of disrespect to the crown, by moving for such a Bill without a previous message from the crown. I am no minister, Sir; I have no share in any of his majesty's councils, and therefore I cannot certainly know what may be agreeable to the crown; but as a country gentleman and a member of this House, I supposed, that a Bill for promoting the service of the crown could not but be agreeable to the crown; and I could not suppose, that in such a case it was necessary to wait for a message; especially when I considered, that Bills of the same nature had before been brought in and passed into laws, without any previous Message. Nay, the very Bill now intended was brought in two years ago without any such message, and not the least complaint made against it on that account. The offering such a Bill at that time, might perhaps by some be thought premature; but now it must be agreeable to every one who wishes to see the present war vigorously prosecuted, and honourably and speedily concluded; and for this reason, I am sure, it will be agreeable to his majesty, if the intention of the Bill be honestly and fairly represented to him, whatever it may be to some of those who have a much more free access to him than I have.

So much I thought myself obliged to say, Sir, in my own vindication; and as this objection has already been shewn to be nothing but a pretence, I have no occasion, I think, to take any farther notice of it. The other objections are of a different nature: they are objections against the Bill itself, as well as against the motion; and were chiefly insisted on by the hon. gentleman that spoke last on the other side of the question. Those that spoke before him, insisted principally upon the unseasonableness of the motion: but he threw aside all disguise, and directed his whole artillery against the Bill itself; and therefore, I must add a little to what has been extremely well said by my worthy friend that spoke last, by way of answer to his objections.

The hon. gentleman endeavoured, Sir, to shew a difference between our present circumstances, and the circumstances we were in, when such a Bill as this was passed in the late queen's time. Does he think, that if the grievances which were afterwards felt, had been foreseen at the beginning of that war, those Bills would not have been brought in and passed the very next session after that war broke out? The inconveniences he has mentioned, would not, I am sure, have been thought of any weight by that administration, whatever they may be by this. The difficulty about goods put on board an enemy's ship before the declaration of war, or within the time limited by treaties, has already been fully answered; and as to the difficulty about insurance, I believe all the Spanish ships upon which any insurance was made before the end of May last, are now arrived at their designed ports. If the insurance was made since that time, the insurer ought to suffer; be-

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cause it was then evident that there would be a breach between us and Spain. But in order to remove this difficulty, and to gain the hon. gentleman's approbation of what I propose, which I believe is extremely necessary for securing its success, I shall be ready to agree, that the Bill shall not commence or begin to take effect, till so many weeks in Europe, and so many months in America after his majesty's declaration of war, as are stipulated by treaties between us and any of our friends, or allies.

As for our merchants, Sir, that suffered by the Spanish depredations in time of peace, I wish we had shewn a proper compassion for them several years ago: if we had, I am sure they would not have suffered so much; and they might probably have got full satisfaction before this time. But when we are thinking of shewing compassion for those who have suffered by our peaceable measures, we ought to think of shewing compassion for our merchants and trade in general, which must suffer and may be undone by a long continuance of the war. If we do this we shall think of nothing but of putting a speedy and honourable end to the war. This ought to be our principal aim; and if we allow ourselves to be diverted from this, by a regard for any thing else, we may probably find ourselves disappointed of both, which, in the end, will be a much greater loss even to our suffering merchants, than the advantage they can reap by having a share of such prizes as may be taken during the war. And as to our landholders, or any other set of men in the kingdom, that may be relieved by applying a part of the prizes towards defraying the expence of the war, if the hon. gentleman has a real concern for their relief, and for relieving them in such a way as may not interrupt our prosecution of the war, he should agree to this bill; because it may be the cause of the war's being carried on principally at the expence of private men. It is remarked by all historians, as a piece of good conduct in queen Elizabeth, that she often got her war against Spain carried on at the expence of private adventurers, who did infinite mischief to the enemy, without putting that wise queen to any other expence, than that of lending them a few of her ships of war. But I question much if this example will be followed in the present war; for some people are so fond of touching public money, that they are, I believe, afraid lest any money should now be laid out in the prosecution of the war, that does not pass through their fingers.

I believe, no man will doubt of my rejoicing in the success we have already had in the war; but I must observe, Sir, that if it had been begun, as it was either in queen Elizabeth's, or Oliver Cromwell's time, our success might probably have been much greater. We might have been by this time in possession of some of the enemy's provinces, as well as some of their ships; and if proper care had been taken, I am sure, they could not have been in possession of so many of our merchant ships as they are; for, notwithstanding the success we have had, I believe, they are pretty equal with us upon the balance, at least in the seas of Europe, whatever they may be in those of America; for as that part of the world is not so immediately under the influence of our domestic councils, I do not know but that the war may be carried on there with a little more vigour. But whatever prizes we may meet with, either in the seas of Europe or America, I am for giving the whole to the captors, let it be of what value it will. Whoever has it, it will be so much taken from the enemy and added to the wealth of this nation, for whatever belongs to private men, belongs to, and may be reckoned a part of the public stock of the nation. If it be divided among our seamen, it will soon circulate, and if considerable, may contribute to reduce the interest of money, which will be an advantage to our trade in general, and to every private man in particular, except usurers and pawnbrokers. Suppose some of our seamen should by a rich prize get great fortunes, and should take such care of what they get, (which is seldom the case) as to prevent their going to sea any more: instead of diminishing, it would increase our number of seamen; for if we were to lose 2 or 300 seamen by such a lucky accident, their good fortune would send 10,000 to sea in their room; so that the nation can no way suffer by giving the whole of every prize to the captors, and it will contribute a great deal towards a vigorous prosecution of the war. However, Sir, as I am willing to gain at any reasonable rate the hon. gentleman's approbation to a bill, which I think so necessary in our present circumstances, if he thinks it too much to give the whole of a galleon or register ship to the captors, we may easily guard against this inconvenience by excepting

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such ships out of the bill, which I shall, for the sake of having his concurrence, agree to; though I think it not quite so right, because I am afraid, it may be the cause of some of those ships escaping, when they might otherwise fall into our hands; which will be a double loss to us, by preventing our adding to our own wealth, and by adding to the wealth of our enemies, whereby they will be enabled to continue the war longer, or to prosecute it with more vigour against us.

I shall readily grant, Sir, that notwithstanding the best measure we can concert and the utmost care we can take, many of the enemy's ships may escape us by various accidents at sea; but this, in my opinion, ought to be an argument for our giving the greater encouragement to our ships of war to be diligent in cruizing, and watchful in looking out for them; and therefore, I think, our giving the whole of every prize as an encouragement to the captors, is the best use that can be made of those prizes we may have the good luck to meet with. To this I must add, Sir, that this uncertainty of meeting with their ships at sea ought likewise to be an argument for our resolving to attack them at land, as well as sea; and that therefore, in order to save the public expence as much as possible, we ought to encourage private adventurers to attack and make conquests upon them at land. So that this uncertainty, instead of being an argument against the bill, is in every respect an argument in its favour.

Thus, Sir, I hope I have fully answered every objection against the Bill, that was not before sufficiently removed: I hope I have shewn, that the objections are such as do not in the least affect the motion, because they may be effectually removed by proper clauses and expressions in the Bill; and therefore, if a negative should be put upon this motion, I shall look upon it, I believe most men will look upon it, as a most terrible omen with respect to our future conduct in this just and necessary war. To most people without doors it will be a confirmation of what his majesty has been pleased to tell us in his Speech from the throne. They will from thence conclude, that his majesty has secret enemies, not only at home, but in his own counsels; and I wish the obstinacy of Spain, and the conduct she has of late years dared to hold toward us, may not be more owing to this, than to those divisions and animosities that subsisted amongst us before the war broke out; for as those divisions and animosities were entirely owing to some of our people's shewing too great a fondness for peace, she could from thence expect no advantage after a declaration of war, unless she had reason to believe that those very people would betray us into an imprudent, pusillanimous, and destructive method of prosecuting the war, in order to justify, by our misfortunes and want of success in war, the fondness they had before shewn for an infamous and ruinous peace.

November 26. This Bill being read a first time,

Mr. *Horatio Walpole* spoke as follows:

Sir; I shall very readily own that it may be necessary to pass a Bill of this kind at the present juncture, but I think at the same time no Bill ever was brought in since I had the honour to sit in this House, which deserves a more mature deliberation. Gentlemen, I observed in the last debate upon this Bill, talked of it as a very right thing to bring in such a Bill, because the like was brought in and passed three or four and thirty years ago. But gentlemen will please to consider that there is a great difference betwixt that juncture and the present. We had then been at war with Spain and France for seven or eight years; at present we have not been at war with Spain above so many weeks; and we are as yet at peace with France. Now, Sir, though I know what gentlemen say upon this head, We have no reason to be afraid of France; we are at war with Spain, and we will distress her every way we possibly can; I say, Sir, though this is the language of gentlemen upon this occasion, I can by no means agree that we ought always to do in prudence what we may do with justice. I am afraid, Sir, that though by treaties with Spain all other nations are precluded from having any concern in their treasure, that practice and custom have established a kind of right, at least, Sir, they have come to look upon it as a right, to a share in the treasure of the Plate fleet. It is no secret, Sir, that the French have thought this right so well established, that they have actually claimed their shares by memorials at this court, when a part of that treasure fell into our hands while we were at war with Spain. Now, Sir, though I am far from being of opinion that we ought not to distress Spain for fear of

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France, yet I think we ought by no means to provoke France wantonly, without being able to distress Spain the more. The French, as I am informed by people who know very well, have seven in nine parts of the galleons that centre with them, and most part is actually their own property before it is landed in Spain. We are now at war with Spain: we pass this Bill: we fix a limited time for its taking effect, as by the nature of all our treaties we must. What is the consequence, Sir? Why the consequence is, that France will look upon this Bill as affecting her more than it does Spain; she will look upon it as a kind of trap laid by the parliament of Britain for intercepting her property; for I observe that, by this Bill, the crown has no power to restore any part of the treasure taken by our ships, even though it should be proved to belong to France or Holland; nay, though it should belong to our own subjects. Do not gentlemen apprehend that this must alarm France? Supposing at the time the Bill takes effect the galleons are coming home, and our ships intercept them; every shilling of the money there must fall to the sailors and crews of our ships. Neither the French, the Dutch, nor in short any body can reclaim a farthing of it. How would this nation, how would our neighbours take it? Would not our merchants think that some part of it should repair the loss they have sustained from Spain? Would not our neighbours think that it was little better than robbing of them? Consider, Sir, that the short time since this war has been declared, has not given them any opportunity of taking these precautions with regard to Spain, that they might and certainly would otherwise have taken; and I believe, if the case were our own, we should think ourselves very hardly used. Therefore, Sir, though I do not say but that this is a right Bill, I think gentlemen ought to consider whether it is not wrongly timed. We are to consider, Sir, whether some part of the money which may be taken from the enemy may not be better applied; nay, whether our suffering merchants have not a just claim to so much of it as may repair their losses. We are likewise to consider, whether our passing this Bill may not lose you a great number of your seamen, by making them too rich to go to sea; for I remember to have heard my hon. friend who sits by me (sir Charles Wager) say, that if at the time he took and destroyed the galleons in America, he had done it but six weeks later, by which time the Bill for encouraging the Trade to America would have taken effect, that his share of the prizes must have amounted to half a million of money.

Mr. *Pulteney*:

Sir; I think all the considerations that the hon. gentleman has talked of, can no way affect this Bill. If there is any thing in them, the proper time for the hon. gentleman to mention them, is when the Bill shall be committed. As to what the hon. gentleman has said with regard to France, I think I remember somewhat of an article in one of our treaties, that the French shall not accept of any trade to the Spanish West Indies. I think, Sir, it is high time for us now to take care that they may have as little as possible. The hon. gentleman behind us has mentioned some considerations; let me in my turn beg leave that gentlemen will consider what we are doing, if we do not check any power that shall trade to the Spanish West Indies. Why, Sir, if we do not, we put it in their power to bring home their treasures and to carry on their trade in the bottoms of neutral nations; so that Spain can never feel the misfortune of being at war with us, and our neighbours may, at our expence, bid fair for running away with all the trade both in Europe and America.

Mr. *Corbet*:

Sir; I own I lie under several difficulties with regard to the Bill; but as there will be an opportunity of debating upon the amendments that may be thought proper in the Committee, I shall now mention but one; which one I cannot mention in the Committee. It is with regard to the method of bringing in this Bill. Gentlemen have spoken a good deal of the Bill passed in the 6th of queen Anne; and we have been told that this Bill is the same; but gentlemen will please to consider, that that Bill came before this House in consequence of the crown's resigning, and the lord high admiral of England's resigning, previously, all their share in the captures. I do not tell gentlemen that this was done in any former message at the time when this Bill took place; on the contrary, I believe, this resignation was made three or four years before: but if gentlemen will give themselves leave to consult the history of that time, they will find such a

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cession was actually made. Now, Sir, though there is at present no admiral, yet I conceive the commissioners of the Admiralty have that post in trust for any future admiral; and I think they have a right to take care that his privileges do not suffer; I am not sure, Sir, but that they have a right to be heard by counsel upon this point. In any shape I apprehend we ought to wait till we have a message from the crown, which I am persuaded we shall have if his majesty shall think that this Bill is of any service to the nation.

Mr. *Samuel Sandys*:

Sir; what has fallen from the gentleman who spoke last, reduces this point to this single consideration, Whether it is in the power of parliament to dispose of the property of prizes taken from an enemy; or whether they belong to the crown or the nation? Sir, I never thought that this could have admitted of any manner of doubt; and I have looked over the history of the time the hon. gentleman has mentioned, but I cannot find that this House ever made any application for leave to bring in this Bill. I cannot find that either the queen, or prince George, who was then lord high admiral, were consulted about it; I cannot find that any message or speech was delivered, which could give them a better right than they had before to dispose of prizes. The parliament thought it a right Bill, they therefore passed it without consulting either the queen or the admiral; and the message mentioned by the hon. gentleman will be found upon your Journals to have had no manner of influence upon their proceedings at that time.

The Bill afterwards passed both Houses, and received the royal assent.

Debate in the Commons on raising a Body of Marines *.] November 27. Mr. *Sandys* rose and addressed the House as follows:

Sir; his majesty, in his Speech from the throne, having been so gracious as to tell us, that he had called us together, at this time, sooner than has been usual of late years, that he might have the immediate advice and assistance of his parliament at this critical and important conjuncture, I, from thence, thought it was the duty of every member of this House to consider our present circumstances, and, if he could think of any thing that might contribute to our success in the present war, to lay it before the House, that, in case it should be approved of, it might be offered as the Advice of this House to his majesty.

For this reason, Sir, I hope I shall stand excused, in what I am to offer to your consideration; for, I think, no gentleman can be accused of presumption, when he does no more than what is his indispensable duty, and what his majesty has told us he expects from us, as members of this House. We have already in one instance answered his majesty's expectations. We have laid before him the advice of his parliament, with respect to the conclusion of the war. What I am to offer relates to the method of conducting it. If the advice I am to offer be approved of by this House, I am convinced it will be followed by his majesty: and if it be followed, it will contribute towards the war's being brought to that conclusion which we have advised his majesty to aim at.

In the prosecution of this war, Sir, there are two things chiefly to be regarded: that is, the carrying it on in such a manner, as may be most effectual for compelling the enemy to submit to reasonable terms of peace, and least burdensome, and least inconvenient to ourselves.—From this consideration, Sir, I cannot but highly approve of what his majesty has likewise been pleased to communicate to us from the throne: I mean the raising of a body of Marines. At the beginning of every war we must necessarily be in some distress for want of seamen; because in time of peace, no more men will breed themselves up to sea, than are necessary for supplying the merchant service, and the few guard ships and men of war we keep in commission in a time of profound tranquillity: which must of course occasion a deficiency of seamen when a war first breaks out; especially after the nation has been, for a great number of years, in a continued state of peace. This deficiency, which proceeds from the natural course of human affairs, we can no way supply at the beginning of a war, but by sending a body of land-soldiers or marines, to serve on board our men of war; unless we should, for the sake of supplying our men of war with all thorough-bred seamen, put an entire stop to our trade, which ought never to be done, but in the case of imminent danger from an impending invasion.

This is a danger, Sir, which is far from

* From the London Magazine.

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being the certain consequence of every war we can be engaged in; and therefore, at the beginning of every war which is not attended with any such danger, as we have then no occasion for keeping up a large body of land forces at home, we ought to indulge our trade, by sending land-men, or land soldiers, to serve as marines on board our men of war, in order thereby to leave a sufficient supply of expert seamen for our merchant-service, and for carrying on our trade; for, as it is not our interest to make any conquest upon the continent of Europe, the protection of our trade is the only motive, peculiar to ourselves, that we can have for going to war; and it would be very ridiculous in us to carry on a war for the protection of our trade, in such a manner as to destroy it. And this, of putting a great number of land soldiers, by way of marines, on board our men of war, is the more prudent and the more necessary, because, as few of our merchant ships carry more men than are barely sufficient for navigating the ship, they can employ none but expert seamen; whereas a man of war does not require above one half, or one third, of her complement, to be thorough bred seamen. With regard to the other half, or two thirds, as they are to be employed in fighting, and are not necessary for navigating the ship, land-men may, in a few days, be made as fit for the service, as the most expert seamen whatever; and, if those land men be such as have been bred to military discipline, they will be better, and more useful for making invasions and incursions upon the enemy at land, than the most expert seamen, very few of whom are ever bred to that sort of discipline, which is necessary to be observed in land engagements.

Every gentleman must therefore highly approve of his majesty's having resolved to raise a body of marines; and the manner of raising this body of marines, is what I am now to propose to you for your consideration. In my opinion, Sir, this body of marines ought to be raised by making proper draughts out of the regular regiments now on foot in Britain and Ireland; because, I think, a body of marines raised in this manner, will be more useful against the enemy, and not only less expensive but more convenient to ourselves, than a body of raw, undisciplined men, newly raised for that purpose. As the Spaniards have no trade, and very few ships at sea, we cannot propose to force them to agree to such terms as we can safely or honourably accept of, unless we attack them at land in some part of their dominions. I think we ought to attack them in every part. When I say so, I do not mean, that we should endeavour to make a conquest of any part of their dominions in Europe; but, I think, we ought to have a fleet, with 5 or 6,000 marines and land forces, continually hovering about the coasts of Spain, and making invasions at every place where they can find a proper opportunity; for, notwithstanding the numerous land army now kept up in that country, they cannot have 5 or 6,000 men at every place where our troops may land, and therefore, with such a body of land forces we may plunder and destroy many parts of their country, and keep their maritime provinces in a continual alarm; and, for this purpose, I am sure a body of marines drawn from our regular, and, I hope, well disciplined regiments, will be much more serviceable, than a body of marines composed of raw and undisciplined men.

As for the Spanish dominions in America, Sir, I believe no man questions but that we ought to attack them. Nay, we ought not only to attack them, but we ought to take and hold some of them, for the future security of our trade in that part of the world; and, if disciplined troops are not better than raw and undisciplined men for that purpose, I am sure we have been at a great expence in keeping up a numerous army for many years to no purpose. I indeed wonder, that a large detachment of our regular troops has not been already sent into that country. In my opinion, if we had considered what we were about, or what was the most probable and effectual way, either of distressing the enemy, or gaining an advantage to ourselves, we should have begun hostilities, by sending a well provided squadron and army to America. This we might have done without declaring war. It was time enough to declare war when they were arrived there and ready to attack the enemy. If we had done this, we might in a short time, perhaps before now, have been in possession of what would have forced Spain to agree to our terms.

But this, Sir, is time past, which is not to be recalled; let us therefore look forward, and do the best we can in time to come. I have shewn that a body of marines drawn from our regular regiments, will be the most serviceable for attacking the enemy, and it is certain, that this me-

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thod will be the least expensive, and most convenient for ourselves. By this method, the additional charge will be but very inconsiderable; and the country will be freed from the inconvenience and expence of quartering a great number of useless troops. I say useless, Sir, and, I think, I may most justly say so; for, in a war with Spain, every man that is kept in this island, above the number that is absolutely necessary in a time of the most profound tranquillity, must be allowed to be useless. We cannot be in the least danger of an invasion from that country, considering the present circumstances of the two nations. We were never more united amongst ourselves, than we are at present. There is a most general, and, I am sure, a most just indignation against the Spaniards, stirred up in every corner of the three kingdoms, and among all ranks and degrees of men; and therefore, we can be in no danger of an invasion from thence, unless it were to be made with such a number of troops as would be sufficient to conquer the three kingdoms. This we know they cannot accomplish: there is not in all Spain, ships enough for transporting such a number of troops; and, if they had ships, they could not, in the whole kingdom of Spain, find provisions enough for victualling such a numerous fleet of transports.

We can therefore, Sir, have no use for such a numerous army here at home; and, since we have no use for them here at home, for this reason alone, if we had no other, we ought to send a great number of them to serve as marines on board our men of war. But I have already shewn, that they must be of more service both at sea and at land, than raw, undisciplined men can be supposed to be; and therefore I shall add no more, but conclude with moving, "That an humble Address be presented to his majesty, humbly to lay before him, as the Advice of this House, that he would be pleased to give directions, that the Body of Marines intended to be raised, may be done in the most frugal manner, and put upon the least expensive establishment, by having as many private men, and as few officers, as the nature of the service will admit; economy at first setting out, being absolutely necessary to enable us to support his majesty in the vigorous prosecution of this war: and as draughts from the present regiments of foot, which are all equally proper to be employed, either by land or sea, will be attended with the least expence, as well as be most expeditious for any immediate service, humbly to recommend that method to his majesty, in tender compassion to his people, already burdened with many heavy and grievous taxes; and, to assure his majesty, whenever he shall judge it necessary to increase the corps, from whence such draughts are made, that his faithful Commons will most readily enable him to do it; being fully convinced, that their safety, and all that is dear to them, consist in the preservation of his majesty and the Protestant succession."

Mr. *Philip Gybbon:*

Sir; the method proposed by my hon. friend for raising a Body of Marines, I always thought so reasonable, that when the regiments were last summer brought from Ireland, I imagined they were brought over for that very purpose; and therefore, I could not but be in some sort of surprize to hear such complaints for want of seamen, and to see our trade so much interrupted and distressed by pressing and embargoes, whilst these regiments, and all our other regiments of foot in Great Britain, were lying idle in their quarters, and oppressing all the inns and other public houses in the kingdom. Nay, even when I heard, by his majesty's Speech from the throne, that we were to have a Body of Marines, I still imagined, they were to be raised by sending some of our foot-regiments, or detachments from all of them, to serve on board our ships of war; and this continued to be my opinion, till I saw the Estimates which have been delivered into this session of parliament.

But, Sir, when I saw these Estimates, I was astonished to find, that what was to be called a body of marines, was to consist of six regiments of land forces, all to be new raised, and to consist mostly of men never trained to any sort of martial discipline either at land or sea. This certainly is loading the public with a very great, and, in my opinion, a very unnecessary, additional charge, and forming a new body of land forces, which are not, I hope, to be employed as marines, or in any other manner sent against the enemy; for, surely, if we have a mind to prosecute the war with vigour; if we expect, or intend to have success in the war, we ought to employ our oldest and best corps in the prosecution of it, and keep our youngest or new-raised regiments at home, till they have made themselves so much masters of military discipline, as to be fit to be em-

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ployed against the public enemy. This was the method we took in the prosecution of the last war: we were not then so much terrified with invasions, though we were often threatened with them, by an enemy that had some sort of power to put such threats in execution: I say, we were not then so much terrified with such phantoms, as to keep our best troops at home to defend us from them. If we had, we should not have had such success in the war abroad; where, if we had been unsuccessful, the danger of an invasion at home would have become not only real but irresistible.—If it be really necessary to raise new regiments of land-forces, let them be raised upon the same footing with the other land forces, in order to replace those that are to be sent against the enemy, or employed on board our ships of war. Even this would save the public some of that expence I find calculated in the Estimate, for the six new regiments, which are to be called marines. But do not let us send raw and undisciplined men upon any expedition against the enemy, when we have such a number of old regiments, that must be allowed to be more fit for that purpose. These we ought to send abroad, even supposing that we were in immediate danger of being invaded with a formidable number of troops, and therefore obliged to keep such a numerous land army at home as we now have in Britain and Ireland; because, by carrying the war to the doors of our enemy, we may prevent its being brought to our own. But, as I think we neither are, nor can be in any such danger, as long as Spain continues alone in the war against us, I cannot think we have as yet any occasion for raising any new regiments: I must think, we can spare, out of those we have now upon the establishment, a sufficient number for our ships of war, and likewise for invading the enemy both in Europe and America; and therefore I shall conclude with seconding the motion.

Sir *William Yonge*:

Sir; I have often heard that, according to the old maxim of our constitution, the king is invested with the sole power of making peace and war; but, from the late conduct of some gentlemen in this House, I begin to doubt whether this ought to be allowed as a maxim in our constitution. There are some amongst us who, of late years, have taken upon them to prescribe to his majesty not only when, but how he is to make both peace and war. In the last session, there were among us, many gentlemen who seemed willing to prescribe to his majesty when he was to make war: in this session, we have already by an address, prescribed to him how he is to make peace; and now it is proposed, that by another address, we should prescribe to him how he is to make war. Our last Address, though I could not think it altogether so decent, I did not oppose, because I saw no bad consequences it could be attended with, and because I believed, that what was thereby recommended was what his majesty had previously resolved on, as a rule from which he was not to depart in any future treaty of peace; and, as I did not then oppose it, I shall not now find fault with it, especially since it is become the act of this House, by being unanimously agreed to.

But as to the Address now proposed, Sir, I shall be extremely sorry, if it should be approved of by the majority of this House. Let it be considered in what light you will, it is such a one as I must oppose. If it be considered as a rule to be prescribed to his majesty, with regard to the methods of carrying on the war, I must look upon it as disrespectful to the crown, and an usurping of a province which, by our constitution, does not belong to this House. And if it is to be considered as an advice humbly offered to the crown by this House, I must be against it, because I think it would be a very bad advice, and such a one as might be attended with the most fatal consequences. But, suppose I could not determine whether the advice be right or wrong, yet I should oppose it, because I shall always think it inconsistent with the dignity of this House, to pretend to give advice in any case, where it is impossible for us to be proper judges. We may judge of national rights, and may advise his majesty not to agree to any terms of peace, unless those rights be fully established: but it is impossible for us to judge of the proper methods for prosecuting a war, or of the number or nature of the troops that ought to be employed in that prosecution. It is impossible for us to be competent judges in this respect without knowing all that secret intelligence, both from Spain and from the other parts of Europe, which his majesty and those chiefly employed by him, may be supposed to be masters of; and this, I think, no gentleman that wishes well to his country, would desire to have laid before us. If it were, we could not ex-

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pect to make any future advantage of that intelligence, and much less could we expect to have any more such intelligence; for it generally comes from those, who would never give any such, if they thought it could ever be discovered from whence it came; which would soon be the case, if it were to be laid before such a numerous assembly.

Thus, I think, Sir, it is evident, that though the advice now proposed should even appear to us to be right, it would be wrong in us to offer it: but from the confidence I have in his majesty's wisdom and conduct, the advice itself must appear to me to be wrong. I very well know, that public œconomy and frugality are fine topics for gentlemen to harangue upon. Frugality in the management of public affairs will always, I know, be a most popular pretence for finding fault with, and traducing the conduct of ministers; and I shall readily grant, that it is in itself a very commendable thing. But it must be allowed, that it may be pushed too far: and then it becomes ridiculous. It then deviates into that contemptible quality called miserlyness; which, in public as well as private life, may prove the ruin of those that are governed by it. Such men often allow themselves to be destroyed, rather than be at the expence of saving themselves. 'Quid refert morbo, an fertis, per amne rapinis?' was the reflection long since put into the mouth of a miser, who would not be at the expence of purchasing the medicines that were proper for removing a most dangerous distemper. War I look on as a national distemper, and it is always a dangerous one. The proper medicines are fleets and armies. If you will not be at the expence of providing those medicines, you must be destroyed; and, if you do not provide a sufficient dose, those you are at the expence of lose their effect and you ruin yourself into the bargain.

This I take to be our present dispute. For my own part, Sir, I do not pretend to know what number, or what sort of troops may be necessary, either for our safe-guard at home, or for attacking the enemy abroad: because, I neither know the danger we are in, nor how our enemies are provided to repel our attack. But I presume, that his majesty is well acquainted with both; and therefore, I am willing to submit to his judgment, both as to the number and quality of the troops that are to be employed, either for our safe-guard at home, or for attacking our enemies abroad. This, I think, is a submission which is the duty of every subject: but with regard to the nature or quality of the troops to be sent abroad, or kept at home, I think we must conclude, even from the nature of the thing, that if we are in danger of being invaded, our best troops are to be kept at home for our defence. The circumstances of the present war are very different from those of the great war in the queen's time. We had then a numerous and powerful alliance: our enemies were attacked in their own dominions, with as numerous armies as they could provide for their defence; so that they could not spare an army for invading us; the troops we sent abroad went but a little way off from this island, and therefore could be recalled at a short warning. All these circumstances are now directly otherwise: and therefore we cannot, in prudence, hold the same conduct. But if our conduct in that war, or in any other war we were ever engaged in, is to be a rule for our conduct in this, I am sure we cannot agree to the present motion. In the war in the late queen's time, we were so far from making draughts from our old regiments, for the service of our navy, that we not only raised six regiments of marines, but also six regiments of land-soldiers, to serve on board our ships of war. I am convinced no example can be found of our having ever made draughts from regular, well-disciplined regiments, in order to employ them as marines on board our navy. I must beg leave, Sir, to say, that in my opinion, it would be ridiculous; for I cannot but think, that new-raised troops are as good on board a man of war, as well-disciplined soldiers. In fighting a ship, there are no marches, or counter marches: there is no part of the land-discipline required, but that of loading and firing the musket; and a country fellow from the plough, may, in three days, be taught to do this as adroitly as the most expert soldier in the army.

It seems to be granted on all sides, Sir, that the raising of a body of marines is necessary. The only question is, whether that body should be formed by making draughts from, and consequently diminishing our army, or by raising new corps for that purpose; and the determination of this question must depend upon the danger we seem to be in of being attacked at home. I should think we are in some such danger, if it were for no other reason

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but because his majesty seems to think, that we ought not to diminish our army; but there are, in my opinion, several other very sufficient reasons for thinking so. I shall admit, that Spain cannot invade us with such an army as would be sufficient for conquering the three kingdoms; but even Spain may invade us with such an army as may be sufficient for stirring up a civil war in every one of the three kingdoms. We appear, it is true, very much united amongst ourselves; but I doubt much if we are so. There are still great numbers of men, in every one of the three kingdoms, disaffected to his majesty and his family. This disaffection, all of them that have any wisdom will take care not to shew till they have a good opportunity: they will appear united, and will join with the rest of their countrymen in the general and just outcry against the Spaniards; but if even a small body of Spanish troops were landed in their neighbourhood, they would soon change their note: they would then take off the mask, and join with that body in endeavouring to force the Pretender upon us. Thus the flame of a civil war would be blown up in the kingdom, and whilst we were engaged in a civil war at home, I believe it will be allowed, that we could not prosecute the war with vigour abroad.

I must upon this occasion, Sir, observe, that ministers are generally treated in a manner not quite so candid. With regard to dangers, and preparations against those dangers, it is impossible for them to guard against those who are willing to find fault with their conduct. If impending dangers are prevented from falling upon the nation, by the preparations our ministers make against them, which, I have good reason to believe, has often been the case within these twenty years, it is then asserted, with great confidence, by those who have a mind to find fault, that no such dangers ever existed; and that, therefore, the nation was put to a needless expence, by those preparations that were made for preventing them. On the other hand, if any danger or misfortune should actually fall upon the nation, though proceeding from the most sudden, unforeseen, and unexpected cause, which, thank God! has not been our case for these twenty years, it would then be pretended, that the danger or misfortune might easily have been foreseen, and our ministers would be blamed for not having foreseen and provided against it. In our present case, the dangers of this war may blow over; we may, at last, force Spain to agree to reasonable terms, without being invaded by that power, or attacked by any other power in Europe: and, if this should be our good fortune, as I hope it will, I expect to hear warm harangues against the needless expence the nation was put to during the war; by maintaining greater armies and squadrons than were necessary in a war against Spain. But I shall never allow such harangues to have any effect upon me. I believe we are now in no great danger of being invaded by Spain. I hope we are in no great danger of being attacked, during this war, by any other power in Europe; but I am fully convinced, that this happy security proceeds from the preparations we have made, and the measures we have taken. At the beginning of the rupture Spain seemed to have some view of invading us. This we must suppose, from their having marched so many of their troops into Gallicia, which is the province that lies next to, and most convenient for invading Britain or Ireland. By the preparations we have made, they now see they cannot carry their design into execution; but, if we should diminish our army, by sending a great number of our troops to serve on board our men of war, or to attack the Spanish dominions either in Europe or America, they would certainly resume their first design, and might land such a body of troops, as, in conjunction with the disaffected at home, might stir up a dangerous conflict in the very bowels of our own dominions; and in that case, I do not know but that those very gentlemen who are now for sending our troops out, would reflect upon our ministers, for having advised his Majesty to comply with their request. They would then of course say, that our ministers ought to have known better than they, and that they ought to have informed them of the danger, in which case they would not have made such a request.

This, Sir, might be the consequence of our diminishing our army, with regard to Spain; but there is another danger we lie exposed to, and which we ought to guard against. Spain is as yet alone in the war against us, and while she continues so, I hope we may with reason flatter ourselves, that she will find herself unequally matched; but, there are other powers in Europe who would be glad to see this nation humbled, and consequently would be glad of an opportunity for bringing it

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about. If we should leave ourselves defenceless at home, it might encourage them to join with Spain against us; for, the first effect of that confederacy would certainly be an attempt to invade this kingdom. For this reason, we ought to be so much upon our guard, as to be prepared against all possible events. Nay, I do not know, but that the preparations we have made, and the other wise measures his Majesty has been pleased to take, are the chief cause of Spain's being yet alone in the war against us.

From these considerations, Sir, I must be of opinion, that this motion really is, humbly to desire his majesty, that he would be pleased to leave his kingdom defenceless, and our present happy establishment again exposed to the doubtful chance of a civil war. It has been once already exposed to this chance; and we must still reflect with terror, that the scales were pretty near equal, though the disaffected had then no foreign assistance, nor was so much as countenanced by any potentate in Europe. God knows what might be the consequence, if a body of foreign veterans were thrown into the rebel-scale, and the rebels countenanced and supported by one at least, perhaps by two of the most formidable potentates in Europe. I am far from thinking, Sir, that the hon. gentleman who made, or the hon. gentleman who seconded this motion, had any bad intention; but as I view it in the light I have mentioned, I must think it would, in me, be contrary to my allegiance to agree to it.

Mr. *George Lyttelton:*

Sir; I hope I need make no professions of my attachment to the king and his family. The honour and duty I owe to their persons (though no man living has more) are yet the least and weakest bonds to confirm that attachment. It is the constitution of my country which they came to preserve, that ties my allegiance to them, for the sake of the whole. This, Sir, is my principle; and upon this I hope, I may found as high pretensions to zeal for their service and glory, and for the support of his Majesty's government against all his open and secret enemies, and be believed as sincere and warm in them, as any gentleman here. And, therefore, if I could think, that my compliance with the motion made by my worthy friend, could possibly affect the security of his majesty's crown, by leaving him without a proper defence, the hon. gentleman himself could not be more averse to it than I. But sure, Sir, out of an army of eight or nine and twenty thousand men, draughts might be made for our sea service, without leaving the kingdom defenceless. Sure, there would remain disciplined troops enough to secure us till recruits could be raised. If the hon. gentleman thinks not, it is the worst compliment that ever was made to the army.

No man can be more zealous than I, for strengthening his majesty's hands as much as is possible: but, upon the same principle from which I declare for supporting the war, from the same principle from which I shall agree to the number of men asked by his ministers, I am for raising them in the manner that has been proposed by this motion. We may play with words as we please, but these marines that are to be raised, are no more marines than every regiment of foot in the kingdom; the only difference is, that the new raised men will have all their business to learn, whereas the others have learned half of it, and are ready at hand; the last are soldiers, though not sailors, but the others are neither soldiers nor sailors, and to make them either, will take up a great deal of time; so that if there is any service to be done by them, it is very evident which we should chuse. If you had a journey to make, and six good horses well in the stable, would you stay to buy and break six new ones before you set out?

But to talk of this thing upon the foot of the expence of it alone. As the nation gives whatever it ought, this ministry should save whatever they can. We are most willing to furnish his Majesty with all the money his service requires; but certainly, Sir, we have not more than we want; and, therefore, good economy, though it be at all times a necessary virtue, is more indispensably so now, when our expences must be so great, and when we may feel the loss of every shilling that we throw idly away, in some essential service that may suffer for want of it. Sir, God forbid that in a war like the present, which our ministers did not enter into lightly or wantonly, but in mere conformity to the known sentiments and desires of the nation, God forbid that, if any sinister accident, any misfortune should happen, they should be charged with it, or be to answer for any event which, it shall appear, they could not command; but what they are justly responsible for is, that the public money

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should not be squandered; and if, in any particular, it be found that they have failed in this part of their duty, that they have not advised his majesty with a due regard to this principle, then should this great council interpose, and give such advice, as they owe to their king and country in this important conjuncture; and in this light I see the motion made by my hon. friend. But, it is not only the expence, present or future, the needless pay of so many officers, their half-pay hereafter, pay-master, deputies, and all the rest of that equipage; it is not only this which we have to consider: there is another point before us of still greater importance. What, Sir, at a time when the whole nation is so strongly alarmed at the influence attending so many places, civil and military, without any colour of necessity, against all rules of economy, wantonly to add to that influence, to create new places, new dependences! How will this be thought of? how will this appear to the world? Will it not look like taking an unfair, indecent advantage of the generous confidence placed in his majesty by his people and parliament, upon all demands made by him for the support of this war, to increase that power in the crown, from the growth of which they dread so many mischiefs?

Sir, not for the present only but for all our future deliberations concerning Supplies, there is one caution I beg leave to recommend to this House, and that is, always to have it in our thoughts, that to a free constitution of government, there is no season so dangerous, as the time of a popular war; for, it has been in the heat of such wars, that almost all free states, ancient and modern, have been induced to make concessions, wink at encroachments and establish precedents, that have ended afterwards in the entire loss of their liberties. Sir, I hope the very reverse will happen here, and that we shall, at the same time, attend to the recovery of such of our rights as have been invaded abroad, and to the securing of such as may have been weakened at home. As to the practice of former times, it must be considered, that we never had any thing like such an army at home in these kingdoms before, and therefore large draughts out of the forces here could not have been made then, so safely as now; the remainder would not have been a sufficient guard to us till recruits could be raised; but, I apprehend, we make such draughts in full security now: and this I think a sufficient answer to what was said by the worthy member who spoke last.

Mr. *Henry Fox*:

Sir; it is a general observation in all debates, that those who speak upon the right side of the question, are generally the most moderate and cool in the argument; and this, I think, was never more apparent, than in the present debate. When I first heard the motion, I thought it was a motion that could not possibly occasion any heat or animosity amongst us; but in this respect I find myself disappointed, as I have often been upon the like occasions; for some of those that have spoke in favour of the motion, have been pleased, I think most unnecessarily, to make use of some very warm expressions. As the present question can, in no light, be considered any other way than as a dispute about the most proper method for raising or forming a body of marines, I can see no reason gentlemen have for running themselves into a heat upon the subject, or for making use of any warm reflection against those, who differ from them in opinion; and I am sure, if gentlemen would keep close to the subject, and take care to make no excursions into matters that have no relation to it, the debate would be soon exhausted: because I must think it a debate quite foreign to any thing that can properly come this day before us.

No gentleman, I find, Sir, has questioned its being necessary for us to raise or form a body of Marines. If this had been the question, we might have taken it into consideration, even before we had read or considered any of the estimates for the ensuing year; but the present debate I must look upon as anticipating the consideration of those Estimates, before they have been read, I believe, by any gentleman in this House; for if a body of marines is to be formed, it must be formed either by raising new corps for that purpose, or by employing some of the regiments we have already on foot in that service. If you chuse the latter method, you diminish the number of land forces that are to be kept up for the ensuing year; and is not this, therefore, debating the question about the number of land-forces that are to be kept up for the ensuing year; before you have so much as read the Estimate for the year 1740, which was but yesterday laid before you? Some

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gentlemen, who are more diligent than I, may perhaps already have cast their eye upon this Estimate, but I must confess, that I have not so much as looked at it; and considering its being so lately laid before us, and that there was no probability of its coming under our consideration before to-morrow, I cannot, in this respect, accuse myself of any neglect of duty. But whatever may be in this, whether I am guilty of a neglect or no, as I have not seen the estimate, I cannot take upon me to determine, whether the Address proposed be proper or not, and therefore I cannot at present agree to it.

But there is another reason, a reason arising from our usual form of proceedings, that makes me against the motion at present. I think it was wrong to introduce such a motion, and it would be more wrong to enter into the merits of it, whilst we are in a House. As it is a motion that relates to the number of troops to be kept up for the ensuing year, it is proper only for a Committee, where gentlemen have leave to speak several times upon the same question, and may rise up as often as occasion requires to explain facts, and answer arguments or objections, that can, perhaps, be explained and answered by none but themselves. I have not, indeed, heard any arguments made use of in favour of the question, but such as I think may be easily answered by any gentleman, but others may be of a different opinion; and one gentleman has already spoke against the motion, who, could he be allowed to speak again, as he would be if we were in a Committee, would, I am certain, be able to answer every argument in favour of the motion, to the conviction of most gentlemen present.

Whether out of 28 or 29,000 men, a sufficient number may be spared for sea service, without leaving the kingdom defenceless, is a question, Sir, which, I think, we cannot enter into at present. The Estimates are, it is true, before us, but as I have not, and, I believe, few gentlemen have looked into them, I do not know what number of land forces we have on foot, nor do I know what number his majesty thinks necessary for the ensuing year. From what I have heard, I believe, his majesty has augmented his land forces: I think it was necessary he should; and when I look into the Estimates, if it from thence appears, that his majesty thinks 28 or 29,000 land forces necessary for the security of Great Britain, during this next year, I am not ashamed to say, it will be a strong argument with me for thinking so too; because his majesty must know our danger better than I can. And if we ought, for the sake of our own security, to keep such a number of land forces here at home, what signifies the present motion? What would it signify to present the Address thereby proposed? If the body of marines allowed to be necessary by every gentleman that has spoke in this debate, should be formed from draughts made out of the regiments of land forces we have now on foot, those draughts must, even according to the motion, be immediately replaced by raising recruits. What then can it signify, whether those recruits be raised for marching-regiments, or for marines? As mankind are fond of every thing that is new, and as common fellows will be readier to enter into the sea than the land service, I believe the necessary number of recruits will be more easily and quickly raised, when they are all, or most of them to be listed for land service; and as the war is already declared, I think the most speedy way is the best, especially as it will be the cheapest; for the more ready men are to engage in the service, the less we shall have occasion to give by way of enlisting money.

For my part, Sir, I do not really well know what the hon. gentlemen mean by draughts from the present regiments of foot. I hope they would not have the officers drawn away from our marching regiments. If you do, you must immediately appoint others in their stead. For, I hope it will be allowed, that every regiment of land forces must have its full complement of officers; and if you are resolved to make your marines what marines ought to be; I mean, if you are resolved to make them fit for land service, as well as sea service, you must form them into regiments, and in that case each regiment of marines must have its full complement of officers, the same as if it were designed for a marching regiment to serve at land only.

Thus it appears, Sir, that with regard to the expence, it is the same thing, whether the body of marines proposed be formed by draughts from our foot regiments, or by raising new regiments for that purpose; and as to the service, his majesty is certainly the best judge of the most proper method for forming the intended body of marines, because it must depend upon the service in which they are to be employed. If our marines are to be

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employed at sea only, in order to make up the complements of our men of war, and to leave seamen for the merchant service, new-raised men are every bit as proper as old soldiers: nay, they are rather better, because they will generally consist of younger men; and in this case, I shall grant, there would be no occasion for so many officers. But if our marines are to be employed likewise upon land, and to be sent upon any expedition against the enemy, they must be regimented as other land forces are; and in this case I make no question, but that his majesty will, without any Address from us, order the regiments of marines to be formed partly from draughts of private men from old regiments, and partly by new recruits; in which case, they will, with respect to service, be upon the same footing with our old regiments; for every regiment of foot now in the service, must necessarily, by the late augmentation, have a great number of raw, undisciplined men in it. For this reason, Sir, I must think, that the only question now before us is, Whether the number of land forces, proposed by the Estimate now upon our table, be the least number that ought to be kept up for the defence of this kingdom? and as this question was never, I believe, canvassed, but in the committee of supply, I cannot think it proper for our present consideration.

Gentlemen I find, Sir, are mighty apt to find fault with the number of our officers; and I do not in the least wonder at it: the expence and danger of such, are popular topics that will, I believe, be made use of against every future, as well as they have been against every past administration. Some of those, who now insist upon those topics, may remember their having been made use of against themselves; but, I am sure, no gentleman will say, that an army can be kept up without officers: I believe it will be generally allowed, that the more officers there are in an army, the better it will always be. The French have a greater number of officers in proportion than we have, and it is this that makes their armies so formidable; for their common men are rather worse than those of any of their neighbours. It is their great number of officers that has generally made their troops superior to the Germans; and as the French nation has always been our most formidable enemy, we ought to take care to render our troops, at least, as good as theirs: if we can fall upon any method to render them better, we ought to make use of it; because our troops are not near so numerous.

We have, it is true, Sir, and must have a great number of officers, as long as we keep up either fleet or army; but I do not know, that the nation is alarmed at the influence attending so many places civil and military. I know great pains have been taken to raise such an alarm; but, I hope, without any effect; for government cannot be supported without places civil and military, and the number of them must always bear a proportion to the largeness of the society to which they belong, and the use that society may have for them. Without a proper number of officers in a society, disorder and confusion must ensue; and therefore, I cannot think it right to endeavour to alarm the people of a society with the number of officers civil and military, unless there were really a great number more than were necessary for supporting order, and preventing confusion, which, I am sure, is not the case of this nation at present. In war we must have more than we have occasion for in peace; therefore I am surprised to hear those, who were so sanguine for a war, pretending to be alarmed at the influence of such a number of officers. They could not but foresee, that, in time of war, we must increase both our fleets and armies, which must always produce an increase in the number of our officers, both civil and military. But this, Sir, is departing from the question in hand. If we are to have a body of marines, we must have a proper number of officers for commanding that body; and as no gentleman denies our being under a necessity to establish a body of marines, no gentleman can doubt of our being under an equal necessity to appoint a sufficient number of officers for commanding them.

Mr. *Joseph Danvers*:

Sir; I am glad to find that every gentleman who has spoke in this debate, seems convinced of the necessity of our raising a body of marines. They are, in my opinion, Sir, so necessary, that I shall be not only for raising, but keeping them. After they are once properly disciplined, they will do as well at land, as any of the regiments we have now on foot, and always when we stand in need of it, they will be of great service at sea. I have had the honour, Sir, to serve my country at sea. It is now, indeed, a long while ago, almost 35 years; but I have not quite forget what

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I then observed; and, as I have been at sea, and have seen marines on ship board, I know better what use they may be of, than those who never were in that service. Sir, there are many services on board a man of war, which marines in a very short time become as fit for, as the best and most thorough bred seamen. They cannot, indeed, go aloft, but they can soon learn to manage the guns, hawl in the anchors, and, in short, every other service that is to be performed upon deck, or any where between decks.

It is true, Sir, that even for these services, men must have some experience: they must be for a few days, or perhaps for a few weeks, at sea, in order to season them to that climate, to learn to stand upon their legs, and to make themselves acquainted with the several services that are to be performed on deck, or between decks. A soldier, therefore, let him have been trained to military discipline as long as you will, is as unfit for being a marine, as any fellow just taken from the plough, or as the merest vagabond that can be picked up in the streets. Sir, a soldier and a marine are, I may say, quite different creatures: they are as different as an otter and a fox. Why then should you diminish the number of your disciplined soldiers, for the sake of forming a body of marines, when new raised men are every whit as fit for the service? As we have now had a long tract of peaceable times, there must be in every city and town, and in every corner of the country, a great number of idle fellows, who are not only a burden, but very troublesome and dangerous to the country where they at present reside. It will be a public benefit to rid the country of them, and they may be usefully employed as marines on board our men of war. It would therefore, in my opinion, be a double prejudice to the country, to form a body of marines by making draughts out of our foot regiments; because it would be drawing away from us those men who, in case of an invasion, would be of great service to their country, and leaving at home those, who are at present a burden, and who, in case of an invasion, would be very apt to join the enemies of their country.

I shall grant, Sir, that the regular troops now on foot would be better for immediate land-service, than a body of marines wholly composed of new raised men; but unless we should be invaded at home, I can see no reason to suppose, that we shall have immediate use for either. We are not, I hope, to make any attack upon the Spaniards at land in any part of Europe; and if we should resolve to attack them at land in America, we cannot propose to send out a fleet with land forces on board for that purpose, till towards the end of next summer, because the heats in that part of the world are so excessive, that our troops would suffer more by them than they could by the enemy. Considering the humour that at present prevails in the nation, we may, I hope, be able to complete the body of marines proposed, by new levies, in a month or two; and, in that case, they will have seven or eight months to learn their discipline, before we can send them out upon any expedition against the enemy, where land forces are requisite. In that time they may be as expert in the discipline proper for land service, as any of the regiments we have now on foot; but as it will, probably, be necessary to send a greater number of land forces abroad, upon any expedition we may undertake, than the whole number of marines now proposed to be raised, I believe our marines, go when they will, must be accompanied by some of the foot regiments now in the service; which shews, that we ought not to diminish our present quota of land forces.

Whether 28,000 men be necessary for our defence at home, is not now, Sir, the question. Suppose that so great a number may not be necessary: yet, surely in time of war, we ought to raise and keep up a greater number of land-forces than is barely necessary for our defence here at home. We ought to have such a number on foot, as may enable his majesty to send 8 or 10,000 abroad upon any expedition he may think fit to undertake, for distressing the enemy in their own dominions. Sir, as I most heartily wish to see the war prosecuted in the most vigorous manner, and as I do not know but that we have more enemies than we as yet know of, I shall be so far from granting no greater number of land forces than are just necessary for our defence at home, that I came here this session resolved to give as many land-forces, seamen, and marines, as his majesty should desire; and I have heard nothing that can in the least shake this resolution; for if more land-forces be desired than are necessary for our defence at home, I shall suppose his majesty intends to send out a sufficient number of them

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for attacking the enemy abroad; and I am sure no gentleman would desire, that his majesty should communicate to us his intentions in this respect.

I have not as yet perused the Estimates, but, Sir, I am extremely glad to hear that his majesty desires no more than 28 or 29,000 land forces, and 6 or 7,000 marines, for the service of the ensuing year. It is to me a convincing proof, that we have nothing to fear, for next year at least, but from Spain; and if that nation stands alone against us but for one year, I hope we shall be able to give a very good account of our campaign. I expected, indeed, that the demand would have been much greater, and therefore I am surprised to hear gentlemen boggling at such a demand, and endeavouring to persuade this House not to agree to it: His majesty has desired 28,000 land forces, and 6,000 marines; and we are desired to tell him by way of Address that we will grant him the 6,000 marines, but then they must be draughted out of the 28,000 land forces. Is not this an absolute refusal of the number of land-forces desired? Is it not directly telling him, that we will grant him but 22,000 land-forces?

I am as much, Sir, as any man, against keeping up a numerous standing army in time of peace. I wish there were not a red coat to be seen within the kingdom. A standing army is in all countries an evil, and in a free country it is a greater evil than in any other: but it is an evil we must submit to, for the sake of avoiding a greater. I shall never be for diminishing the lesser evil; for if our army were ten times as numerous as it is, we ought to submit to it, rather than expose ourselves to that greatest of evils; for this reason, I cannot agree with that part of the motion which advises the marines to be formed by draughts from the present regiments of foot; nor can I agree with that part which advises to have as many private men and as few officers as the nature of the service will admit: because it seems to insinuate, as if fewer officers in proportion would do for marines, than for land forces.

Mr. *Pulteney*:

Sir; It is a little surprizing that a certain set of gentlemen, notwithstanding the many admonitions they have had, should always bring his majesty's name into every debate that happens in this House. As a private gentleman, Sir, I should be ready upon all occasions to put a full confidence in his majesty: to believe we are in danger, when he says he thinks we are; and to believe that the sums he demands, and the number of troops he proposes, are necessary. This, I say, I should think myself obliged as a private gentleman to believe, unless I had very good reason to think his majesty had been misinformed and imposed on. But, as a member of this House, as a trustee for the purses, the liberties and the privileges of the people of Great Britain, I am under an indispensable obligation, not to allow myself to be an implicit believer, even in my sovereign. As such, I am, in duty to those I represent, bound to suppose, that every Speech his majesty makes from the throne, every Message he sends under his hand in writing, and much more every demand made in his name, is the Speech, the Message, or the demand, not of my sovereign but of his minister; and that therefore I not only may but ought to examine it with great freedom.

This, Sir, is my duty as a member of this House and as a trustee for the purses, the liberties, and the privileges of the people of Great Britain; therefore, when a demand comes to this House for loading the people with a heavy burden, and endangering our constitution, by raising, or keeping within the island, a numerous standing army, under pretence of our being in danger of an invasion, though it be made in his majesty's name, I am to suppose it comes originally from the minister; and, upon that supposition, I ought to consider whether that army be demanded for preventing or defeating an invasion intended to be made by foreigners upon our territories, or for encouraging and rendering successful an invasion intended to be made by ministers upon our rights and privileges. Gentlemen may talk what they will about unreasonable fears, and causeless jealousies, but in this case, every man ought to be guided by his own conscience, and to take particular care that his judgment shall not be directed by any selfish consideration; and, were I the most intimate friend of a minister, as the invasions of ministers have been much more frequent than the invasions of foreigners, I should rather chuse to be directed by my jealousies than my fears: nay, were I a minister or even a prime minister, which, I trust in God, I shall never affect to be, I should think him an honest man that shewed more jealousy of me than apprehension of foreign danger;

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and as long as my designs were honest and just, I should trust more upon his friendship, than in the friendship of those I found ready upon all occasions to receive whatever impressions I had a mind to make.

I say, Sir, that as the invasions of ministers have been much more frequent than the invasions of foreigners, we ought at all times to be more jealous of the former, than afraid of the latter; but when dangers are pretended, which we have no reason to be afraid of, and an argument is drawn from thence for convincing us we ought to load the people and endanger our constitution, by keeping a numerous standing army, there is then room for jealousy; the intention becomes evident; which, in my opinion, is the case at present. It is ridiculous to imagine, that the Spaniards ever designed to invade us with those troops that have lately marched into Gallicia. When they have a real design to invade us, they will never prepare for it in that quarter, as may be sufficiently convinced by experience; because their preparing a fleet of transports at any port in that province, or in the Bay of Biscay, must always give us a seasonable alarm. Therefore I must suppose, that their marching troops into that quarter was either to guard against our invading them, or to give some people here a pretence for frightening us, with the danger of our being invaded by them; but this pretence can be of no weight with those who consider, that troops without ships can never be of any dangerous consequence to this island. The armies of Spain, nay, the armies of France, let them march where they will, can never give terror to any man of common-sense in this island, unless we find they are preparing ships for transporting them hither; and this, I hope, we shall always hear of time enough to prevent the attempt, which we may easily do as long as we have a superior navy.

Suppose, Sir, the Spaniards have a real design to invade us, and that they have marched their troops into Gallicia for that purpose; we know they have no fleet of transport-ships either in the ports of that province, or in any other ports within their dominions, for transporting those troops to this island. If they design to invade us, with such a number of troops, as ought to give us uneasiness, they cannot, in less than three or four months, provide a sufficient fleet for transporting them; and in that interval, as such preparations cannot be privately made, we shall have time not only to provide for our defence, but to put it out of their power to make the attempt. This they know very well, and therefore I am convinced they will never give the least countenance to such a ridiculous project. But suppose they intended to make an invasion upon us with 4 or 5,000 men, which is the greatest number they could provide transports for, without giving us timely notice of their design; are we to keep 28,000 men, or even 18,000 men here at home, to guard us against such an attempt? Are the numbers of the disaffected here so great, that 4 or 5,000 men would enable them to overturn our government, though supported by more than double that number of regular troops in Ireland, and more than treble the number in Great Britain? This is what no man, who is a friend to the illustrious family now upon our throne, will assert; and therefore, no man that is a friend to our present establishment ought, I think, to pretend that we are in the least danger of an invasion.

An invasion, Sir, with such a small number of troops, would hardly raise any commotion, much less a dangerous civil war in the bowels of the kingdom. Even the few disaffected we have amongst us would be shy of joining such a small body of troops; I am convinced, no man of family or fortune would; and, therefore, I am convinced they would re-imbark, if we gave them leave, as soon as they found themselves disappointed of the expected assistance, or would surrender to the first body of our troops sent against them. From hence I must conclude, that, as long as Spain continues alone in the war, we are not in the least danger of an invasion; and suppose France should join with Spain, we should have no occasion to provide against an invasion, especially by raising a numerous army to be kept within the island, till they had begun to make preparations for that purpose. I do not suppose that France will join in the war against us. But, if they should join, or if we have now any reasonable cause to suspect that they will, I am sure we have not yet provided, or proposed a sufficient number either of seamen or marines; and as France has not yet joined, nor probably will for some months to come, instead of being so curious and nice, as we have been, since the beginning of this war, about having expert seamen for manning our ships of war, we should have begun with taking

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as few expert seamen as possible, and filling up the rest of every ship's complement with marines, or able-bodied-landmen. This, I say, we ought to have done, because, whilst we were at war with a nation that could make no head against us at sea, we ought to have taken the opportunity to increase our body of seamen, by instructing and seasoning landmen to the service, in order to provide against a nation's entering into the war, that could make some head against us at sea. If we had done this, neither our seamen nor our trade would have been so much distressed, nor would the enemy's privateers have traversed the seas in pursuit of our merchant-men with so much safety and success; and in a year or two's time, we should have so much increased our national stock of seamen, as to have very little to apprehend from the united power of France and Spain.

But now, Sir, suppose France were already actually engaged in the war against us, I shall grant, that we ought in that case to have a greater number of land forces on foot than we have at present; but should those forces be kept at home to defend us against invasions? No, Sir, as long as we are masters at sea, with regard to invasions, we have almost as little to fear from France as from Spain: neither of them can invade this happy island with any considerable number of troops, without a long and expensive preparation; which preparation can be made no where, but in one of their sea-ports, and there we may send and destroy it, or lock it up, as soon as we hear of it, which we shall always do long before it can be ready to put to sea. Even in this case therefore, instead of keeping our troops encamped or quartered at home, we ought to send the greatest part of them on board our fleet, or to our foreign dominions, from whence they could easily make incursions or invasions upon the enemy. For our security here at home, if we keep a strong squadron in the channel, with a good number of ships ready to be put in commission, we shall never have occasion to be afraid of an invasion; and if we would but take a little more care of our militia than we have done for many years past, we should always be able and ready to repel any sudden incursion, nay more ready than we can propose to be any other way: for we cannot propose to keep 4 or 5,000 regular troops in each county; whereas, if pains had not been taken to render our militia despicable, in order to make a standing army necessary, the militia of any one county in England would be able to encounter, and probably defeat such a small number of invaders, without the assistance of our regular army.

Thus, Sir, it appears, that for the sake of defending us against an invasion, we have not the least occasion for keeping a standing army of 28 or 29,000 men here at home; and therefore, as we have that number now on foot in this island, we may easily spare to send 6 or 8,000 of them to serve as marines on board our men of war. But now suppose we intend to make an attack upon the enemy, as I hope we do, the gentlemen who have spoke upon the other side of the question have told us, we cannot propose to send out any troops for that purpose before the end of next summer. If this be the case, why should we raise any new troops before the old are sent out? It will then be time enough to consider, whether it be necessary for us to replace them, and in case it should, it may soon be done by new levies, and in the mean time the pay of a number of useless troops will be saved to the nation. I hope we do not intend to send out new-raised troops, call them Marines, or what you will, upon any expedition against the enemy. What will those gentlemen say, who have for many years been telling us, that new-raised troops are good for nothing, and that therefore we ought to keep a numerous standing army always on foot? How can these gentlemen answer for it, if they should now, in time of war, send new-raised troops upon the most dangerous service, and keep at home, where there is no danger, those veterans, for whose skill in martial discipline the nation has, for so many years, paid such large sums of money? Will it not then with justice be said, that our veteran troops are kept at home only for a raree-show; and that our new-raised troops are sent abroad against the enemy, because they cannot so handsomely dance through their exercises at a review?

Sir, this may, perhaps, look a little ludicrous; but if we consider what an effect this consideration may have upon men, who have any regard to their honour, it must appear serious to every man, who has a regard for our present happy establishment. In tours of fatigue, a regiment of soldiers may excuse their not being employed; but in tours of danger, especially where glory and riches may be acquired, every corps of soldiers, that have any honour, must look upon it as an affront, if

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they are not employed in their turn. This, Sir, may make our veteran troops our greatest enemies; and by such means, that very army, which, for so many years, has been kept up for the security of the royal family, may be the cause of its overthrow, and produce as great a revolution in this kingdom, as ever a mutiny of the Janizaries did in Turkey.

For this reason, Sir, as well as for the sake of success, I hope our best troops will be sent out upon any expedition we intend for attacking the enemy, either in Europe or America. But I am surprised to hear gentlemen say, we cannot propose to attack Spain in Europe, or send out any expedition against them till the end of next summer. I shall grant it is not our business to attempt making any conquests upon them in Europe; but is this a reason why we should not annoy them as much as possible, by making incursions, and plundering the coasts of their dominions, even in Europe? Can they prevent this as long as we are masters at sea? No, Sir; notwithstanding the numerous army they have, they cannot prevent it; because a fleet of ships can sail faster from one part of the coast to another, than a body of troops can march; and therefore, if we had 7 or 8,000 land forces on board the squadron we now have upon their coasts, they might often find an opportunity to land, and ransack a great part of the adjacent country, and to retire with safety on board their ships, before the Spaniards could gather together a sufficient body of troops to oppose them. By this means, we might harrass their troops, and keep their whole sea coast in a perpetual alarm; and, perhaps, find an opportunity to destroy those works our tameness some years since allowed them to erect, within cannon-shot of Gibraltar.

Is there any reason to be assigned, Sir, for delaying to send troops upon such an expedition, till the end of next summer? Can a reason be assigned for its not having been already done? I know that the months of July, August, or September, is the proper time for sending out a body of land forces to attack the Spaniards in America; and I likewise know, that, if we had followed the example either of queen Elizabeth or Oliver Cromwell, we should have begun the war with such an expedition. I hope to see more vigorous and better-concerted measures taken next summer: I hope to see an expedition sent out for annoying the Spanish dominions in Europe, and another for conquering some part of their dominions in America; but both, I think, may be undertaken without raising so much as one new regiment; because out of 28,000 men, the number of our regular forces now on foot in this island, we may spare a sufficient number of troops for both. As we have now such a prodigious navy at sea, I do not think we have use for a greater number of troops at home, than we ever had in times of the most profound tranquillity; and therefore I think, we may spare to send at least 16,000 against the enemy, which is a sufficient number for both these expeditions, and a sufficient number for any occasion we may have, as long as Spain stands alone in the war against us. If France, indeed, should declare in favour of Spain, we must then augment our land force both abroad and at home; but this we may easily and almost instantly do by new levies, and by taking foreign troops into our pay.

Frugality, Sir, is extremely necessary at the beginning of every war; because, after a war is once begun, no man can tell when it will end. The present may be of longer continuance than some people imagine. I have more fears that way, than I shall now explain. I shall now only say, that if we accept of no peace but an honourable one, the war will not, I believe, be soon over; and, therefore, we ought to take care not to run ourselves out of breath in the beginning of a long course. Spite of the most vigorous and best-concerted measures, the war may last for several years, and may become much more heavy than it is at present; but, if our measures should hereafter be as much influenced by our fears of an invasion, as they seem by this debate to be at present, I may prophesy that we shall never be able to bring it to a happy or honourable conclusion. If our fears of an invasion at home should so much engross our care and attention, as to prevent our being able to take due care of our trade or dominions abroad, the war may end in the destruction or loss of a great part of both; which God, in his infinite mercy, will, I hope, prevent; for, besides the ruin it would bring upon this nation, it would very much endanger our present happy establishment, and consequently the Protestant religion, and the liberties of Europe.

For this reason, Sir, we ought not to allow ourselves to be induced, by groundless fears, to be at the expence of raising or

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keeping up more forces, either at home or abroad, than are absolutely necessary; and those we do keep up ought to be employed in the most vigorous manner, and in places where they can most annoy the enemy, or contribute to the advantage of their country. It is our business in this House to grant what supplies are necessary for the public service; but it is likewise our business to advise his majesty to make use of the most frugal methods, and even to point out those methods, which we think may be the most frugal and effectual. For this purpose we stand in need of no secret intelligence; and therefore, though we cannot prescribe, we may give our advice with regard either to peace or war. This is our duty; this is all that is attempted at present: and if doing our duty in this respect is to be called animosity, it is a laudable animosity: it is such an animosity as, I hope, will ever prevail in this House. An hon. gentleman was pleased to make an observation, that those who have the right side are generally the coolest in the argument: I shall give him two for his one; though I am far from saying, that either of them is applicable to any gentlemen in this House. One is, that the deceitful, who have a mind to impose upon the understanding, are always extremely cool in their arguments; and the other is, that the advocate who speaks for his fee, seldom shews such a natural warmth, as the man that speaks in his own cause. In this House it would be in vain for any man to attempt to impose, and I hope I shall never see any man in it speak for his fee; but I do not at all wonder to see a decent warmth expressed; for I hope every man thinks he speaks in his own cause, because it is the cause of his country.

The present question, Sir, is, I think, as much the cause of my country as any question that ever happened in this House. The war we are now engaged in is, it is true, as yet but a bauble: it is as yet a sort of toy we may play a little with; but it may become one of the most heavy and dangerous wars this nation was ever engaged in; and then we may have cause to repent of every shilling we needlessly threw away at the beginning. There is as great a difference between being a miser and being frugal, as there is between being frugal and being prodigal. Frugality is the mean which a wise man will always chuse, but the fool generally launches out into prodigality, in order to shun the imputation of being a miser. In this war, I hope we shall put ourselves to no expence for the sake of shew: we have had raree-shews enough already: I hope we shall now make the best, the most effectual use of every squadron we fit out, and every regiment we raise or keep on foot; and I hope we shall neither fit out, nor raise or keep up any more than we have immediate occasion for. In time of peace, these expensive raree shews only prevented our paying off our old debt; but in time of war, they will make us contract new, and, by breaking our credit, may bring sudden perdition upon the nation.

This, Sir, is one of the greatest dangers we lie exposed to; and to obviate this danger is the intention of the motion now under our consideration. It has no relation to any estimate: it relates only to his majesty's Speech. But I am surprized to hear any gentleman say, that such a motion cannot come properly before us, till we take the Estimates into our consideration. If it had been delayed till that time, I am sure it would have been called a very preposterous motion, perhaps, even by those who now call it premature. In the Committee of Supply we must either approve of or reject the Estimates: I hope the gentlemen who now think this motion improper, would not have us, when we go into the committee, to reject the Estimate for marines, in order to consider of and agree to this motion: and, I am sure it would be ridiculous to make or agree to such a motion, after we have approved of an Estimate for raising the marines by new levies. But if this motion should now be agreed to, we may put off taking the marine Estimate into our consideration till we have a return from his majesty to this Address; and if he should approve of our advice, he would certainly order a new Estimate, conformable thereto, to be laid before us.

The present is, therefore, the only proper time for taking this motion into our consideration; and as I have shewn, that we can have no occasion for such a great number of land-forces, besides marines, I think the motion ought to be agreed to. I shall most readily join in opinion, that a body of marines ought to be formed; and that it ought to be such a one as may, upon occasion, be fit for land as well as sea-service. But gentlemen seem to mistake the principal design of having a body of marines: They ought to be principally designed to come in aid of

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our national stock of seamen, and that we may not be obliged to draw away from our trade too many of that necessary body of men. If this be, as it ought to be, the chief design, there is no occasion for forming them into regiments, or for putting ourselves to the expence of having any generals or field officers of marines. Such officers of marines are no ways necessary for any service, unless it be for the service of ministers in this House. The expence of such officers is, therefore, what we may and ought to save to the nation. It is an expence in which we have been long most extravagant, even with respect to our land-army. We have long been at as great an annual expence for our land-army, as would maintain double the number, according to the establishment in any other country of Europe. In France, it is true, as they have officers *en seconde*, they may have as many, perhaps more officers than we; but the pay of their officers is not near equal to ours; and if it were, France would be but a bad example for us. In that absolute monarchy, they have a great number of officers, in order to have a great number of their nobility employed in their army, and thereby kept dependent upon the crown.

This, Sir, is the true reason, why the French have such a number of officers, and not, as an hon. gentleman has been pleased to assert, because it makes their troops superior to the Germans; for it is not really so in fact. In the last age, the French troops were better than the Germans, because they were much better disciplined; but now that the Germans are equally disciplined, though not equally officered, they are rather better than the French, as appeared in the last war between these two nations, when the French trusted more to their numbers, or to their art and intrenchments, than to the bravery of their troops. But the very reason that induces the French to have a great number of officers, ought to be a reason for us to have as few as possible; for a great number of officers, whether civil or military, as they are all, by our present constitution, in the nomination, and most of them removable at the pleasure of the crown, must create such a dependence upon, and thereby establish such a power in the crown, as is inconsistent with a free government or limited monarchy. I was really surprised to hear an hon. gentleman say, that he knows of no alarm spread among the people by the great number of officers civil, and military, we have at present. One would from thence be apt to suspect, that he keeps company with none but officers, civil or military; for I will venture to say, that no man can go into any other sort of company, without hearing some of them express their fears upon this head: and yet, from his saying, that we have no more officers, civil or military, than are necessary for the ends of government, one would be apt to suspect, that he knew very little of the nature of those many new offices, that have been of late years created, or of those old offices that have been split into several parts, in order to increase the number of officers.

Every man, Sir, that knows any thing of our present circumstances, must know, that we have a vast number of places that are absolute sinecures; and these, I am sure, can be necessary for no end of government, whatever they may be for the ends of corruption. Of this sort, Sir, was our late general of marines; and in the same light shall I look upon every general, field-officer, pay-master, commissary, and chaplain of marines, that shall be hereafter created or revived. I know that marines ought to be men bred to land as well as sea discipline; and for this reason, men who have already learned the land discipline are more fit for marines, especially as we have immediate use for them, than raw or fresh men, that know nothing either of land or sea discipline. But gentlemen, I find, mistake the land service, which marines ought to be designed for: if marines were to serve a whole campaign at land, and to be made a part of a regular land army, I shall grant, that they ought to be formed into regiments, and be officered in the same manner as other land-forces are; but this is a service that marines ought never to be employed in: when such an army is to be formed, a sufficient number of land forces ought to be sent out for that purpose. The only land-service that marines ought to be designed for, or employed in, is to support our seamen in storming a town or castle, after a squadron of men of war has so battered and bombarded it, as to make an assault practicable; or to make an incursion upon some open country, where there are no regular troops, or not such a number of regular troops as can be called an army, to oppose them; and for both these services a body of marines, formed into independent companies, are as good as if they were formed into regular regiments.

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For this reason, Sir, if we are to raise 6 or 7,000 men, formed into six regiments, and regularly officered as other land-forces are, I shall consider them as land-forces, and as an addition to our land army. You may call them by that favourite name, Marines, in order to put a cheat upon the public, which I think no way necessary upon the present occasion; but you cannot employ them as marines: at least if you do, the field officers belonging to them will be quite useless, and their pay an unnecessary expence to the public, as long as their regiments are employed as marines. I shall readily agree to the forming a body of 6,000 marines, or double that number, if it should appear to be necessary; but that body ought, I think, to be formed into independent companies, and brought in aid of our national stock of seamen, in order to prevent our being forced to draw too many sailors away from our trade; and, as we have immediate occasion to employ them at land as well as sea, the private men ought, I think, to be drawn from the regiments now in our service, and our best and most experienced captains and subalterns appointed to command them.

I shall conclude, Sir, with observing that, by the method of arguing made use of in this debate, by those who have spoke upon the other side of the question, they have not only condemned all the arguments they have themselves been making use of for these 20 years, in favour of a standing army, but also they have condemned the measures lately taken for manning our navy. I believe, there is no experienced officer in our army, but will confess, that it requires longer practice and more pains to teach common men a natural and quick use of the musket and bayonet, so as that they may exercise them in a body regularly and without confusion, than to make them masters of all the marches and counter marches, for involutions and evolutions, that are practised in the most regular army; and accordingly at all reviews we find, that regiments oftener fail in their regular firings, or in charging and discharging, than in any other part of the exercise: therefore, if new raised men can in a few days, or a few weeks, sufficiently learn the use of the musket and bayonet, which is the most difficult part of discipline, I am sure we have no occasion for keeping a standing army always on foot; and however much we may neglect regular firing on board our men of war, I must take notice, that when one of our late Spithead expeditions, for, I think, we have had several, was joined by a small squadron of Dutch men of war, it was observed, that the men on board the Dutch ships were daily exercised in the use of the firelock, and that they charged and discharged as regularly and as quickly, as could be expected from regular troops.

Thus, Sir, have these gentlemen condemned the chief argument they have been making use of for these 20 years in favour of a standing army; and by the arguments they have now made use of in favour of marines, and for our supplying that service by new levies, they have condemned the whole tenor of our late practice for manning our navy. The hon. gentleman who spoke last, who has himself had some experience in the navy, has told us, there are many services on board a man of war that may, with a little experience be performed by landmen as well as seamen; and that this experience may be soon acquired by a fellow just come from the plough, or by a vagabond just picked up in the streets. I believe what the hon. gentleman says to be true, as I shall be ready to do any fact he advances; I believe a ploughman or a vagabond, if he be an able-bodied man, may much sooner learn to hawl in an anchor, or to perform any such service on board a man of war, than he can learn the use of the fire-lock; but if this be so, why accept of none, or a very few, for our ships of war, but such as were expert seamen? Why refuse many able-bodied vagabonds, that were picked up in several of our counties, and sent at a great charge to the sea ports, where our regulating captains were posted, and many able-bodied landmen that came to offer themselves to the service? Why offer no reward to landmen as well as seamen, that should voluntarily come to list in his majesty's service? Sir, what instructions our regulating captains had, I know not; but I know that they refused or rejected a great many landmen, and not a few seamen: whereas, in the time of such distress, every man that had no infectious distemper upon him, nor any natural infirmity, ought to have been accepted. And if we had begun with forming a body of marines by draughts from our regular regiments, which his majesty might have done as soon as he found a war unavoidable, we might have replaced them by new levies, and by this time have had in the West-Indies such a number of

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marines, as would not only have taken, but held any place we thought fit to attack; for as our squadron in that part of the world can meet with no opposition at sea, they might, as soon as they arrived, have sent every one of their marines upon some expedition at land; and as the enemy has no regular army there, a body of disciplined soldiers, formed into independent companies of marines, would have been as fit for the service, as the best and most regular regiments we can send thither.

Sir *Robert Walpole:*

Sir; whatever other gentlemen may suppose with regard to the speeches or demands of their sovereign, I think it is the duty of his majesty's servants, even though they be members of this House, to talk with great respect of those speeches that are made by him, and of those demands that are made in his name, as well as of those messages that are signed by him; and when they know, which some of them may do, that they are not the speeches or demands of ministers, but the real speeches or demands of their sovereign and master, they may, I think, make use of his majesty's name, even in this House, without incurring any just censure. I know that no member of this House ought to have an implicit faith in any man, or in any opinion: we ought to give credit to no fact, unless it be vouched by undoubted evidence, or supported by proper authority, in cases that will not admit of evidence: neither ought we to assent to any opinion, unless it be established by solid reasoning. But in state affairs, particularly in time of war, facts may arise, which may be certainly true, and may have sufficient vouchers, and yet those vouchers may be such as cannot be laid before parliament: in such cases, we must depend upon his majesty's authority; and the only method by which that authority can be communicated, is by Speech, Message, or Demand.

Every gentleman will, I believe, Sir, allow, that designed invasions and insurrections are facts of this nature. There may be such designs, and more probably in time of war, than at any other time; there may be sufficient vouchers of such designs, and yet those vouchers may be such as cannot be communicated to parliament; therefore, had I not the least concern in the administration, or in his majesty's councils, I should be apt to believe any insinuation of such a design, if such an insinuation should be made by his majesty, either in express terms, by speech or message, or tacitly, by desiring such a number of forces as might be necessary for defeating or preventing the execution of such designs. This ought at all times to be an argument of some weight for prevailing upon us to grant the number of forces, both by sea and land, which our sovereign may think necessary; but in time of war, this argument ought to have a much greater weight; because our sovereign may then have in view, not only to defeat the secret designs of our enemies against us, but to execute some secret designs against them.

I shall admit, Sir, that it is our duty in this House to be jealous of the liberties and privileges of the people, and to be as sparing of their purses, as is consistent with their welfare and security: but both jealousy and frugality may be pushed too far: jealousy often prompts the suspected to that which would never have entered into their heads, if they had not found themselves causelessly suspected; and by not giving a little to those that are to defend us, we may have the whole taken away by those that are to attack us. I am certain, we had never less cause to be jealous than we have at present: no one step of his present majesty's conduct could ever furnish us with the least intimation of his having a design to incroach upon our liberties and privileges, or to make a bad use of the regular troops we keep on foot. Nay, if he had any such inclination, the complexion of our present army would prevent his indulging that inclination, by forming designs against our liberties: the education and known sentiments both of the officers and soldiers of our army, must convince us that they are as great enemies to arbitrary power, as any other set of men in the kingdom; therefore, I shall always look upon our army as a guard to our liberties, and the more numerous it is, the better, I must suppose, our liberties will be guarded.

It is not, Sir, from any apprehensions I have of our army, with regard to our liberties, that I am against its being made more numerous than is now proposed. It is the expence alone that gives me any concern; and upon this account only, I shall always be against our raising or keeping up a greater number of troops than I think absolutely necessary for the security of our liberties, privileges, and properties. But my concern, in this respect, I shall

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never allow to carry me so far, as to expose the people to be invaded and plundered by their enemies, for the sake of saving them that trifle of expence, which may be necessary for keeping on foot a few more troops, or for maintaining a few more officers; and considering that the saving to be made by what is now proposed, would amount but to a mere trifle, I should never forgive myself for such a trifling and ill-timed frugality, if any corner of our dominions should be plundered and laid waste, for want of a sufficient number of regular troops to repel an invading enemy; or if the marine forces we send abroad should, upon any engagement, run into confusion, and be destroyed, for want of field-officers to command them, and keep them in order.

I know, Sir, it is our duty in this house, to give our most sincere advice to our sovereign, as often as any important occurrence makes it necessary; but, in order to give that advice its proper weight, we ought to take care that it shall always be attended with dignity; therefore, we ought not to interpose with our advice too frequently, or upon trifling occasions; and we ought never to give it but upon full and mature deliberation. The affair now before us is, I think, of too trifling a nature for us to interpose with our advice, especially as it has not been particularly asked upon the present occasion; and I am sure it cannot be said, that we have fully and maturely considered what we are about. The Address proposed must be allowed to be something very different from an humble advice. As the estimate for marines, prepared by his majesty's order, is now before us, this Address will be looked on as a condemnation of the estimate; for if that estimate be properly drawn up, if the method thereby proposed for raising marines be the most proper and frugal that can be thought of, what occasion can there be for such an Address? If we approve of the estimate, it would be ridiculous in us to present such an Address; therefore our agreeing to, or presenting such an Address, must be considered as a condemnation of the estimate now before us; and I appeal to every gentleman, whether he has sufficiently examined that estimate for enabling him to pass sentence of condemnation upon it. Such a sentence ought not, I think, to be passed till the estimate has been actually read in the House; but so far from being read in the House, I believe, it has been read but by a very few members; and therefore, if no gentleman give his vote for the address or sentence of condemnation proposed, but he that has read the estimate, I believe, I may easily guess what will be the fate of the question.

Sir, I hope I may suppose, that, in order to fix upon the most proper methods for raising and forming a body of marines, those who have the honour to advise the crown took care to examine the several establishments of marines made in former times, and the several services they were employed in; and as there are several persons still alive, who were in the service in king William and queen Anne's time, I may suppose that those persons were examined, in order to know, from them, how the marines performed the services they were employed in, and the defects or advantages that were found in the establishments then made. This, I must suppose, was done by those who have the honour to advise the crown, before they could think themselves qualified for giving a proper advice; and this I think we ought to do, before we can agree to such a motion as the present. But can it be said, that we have made any such inquiry, that we have examined any one person, or that we have before us any one of those papers, which we ought to look into, before we presume to give his majesty any advice upon this head? Therefore, this Address, call it an advice, as some gentlemen pretend it is, or call it a condemnation of the estimate now before you, as I think it really is; in short, call it what you will, it cannot be said to be the effect of a mature deliberation; and therefore, it cannot be attended with that dignity, which we ought carefully to preserve in all our applications or approaches to the crown.

For this reason, Sir, if I approved of the advice proposed, I could not approve of this hasty and inconsiderate manner of resolving upon it; but the advice itself is such a one as I cannot approve of. It is to me, indeed, a very new sort of doctrine, that, in time of war, we have no occasion to keep within the island a greater number of troops, than in a time of the most profound tranquillity. When we are at open war with a nation that has a considerable navy, though nothing equal to ours; when that nation had a great number of veteran troops in their provinces that are next to us; and when they are every day both fitting out men of war and transports, I should think it very unwise in us, not to

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keep at home, for our defence, a more numerous army than we usually have in time of peace. We may despise the naval power of Spain in our speeches and conversation here at home: I shall grant, it is no way equal to ours; I shall grant, they have but few ships of their own fit for being made transports; but there is always a great number of foreign ships in their harbours: before the war broke out, there were often more British merchant ships in their harbour of Cadiz alone, than would have been sufficient for transporting 10,000 foot to Britain or Ireland; and as that trade must still be carried on, and will now be carried on by the merchant ships of Holland, France and other nations, we must suppose, that there will always be more foreign ships in the ports of Spain, than are necessary for transporting 10 or 12,000 infantry to this island or to Ireland. These ships the court of Spain may, by an embargo, force into their service; and as our fleet may be locked up in the channel by contrary winds, it may be impossible for us to send out a squadron, either to intercept their designed armado, or to lock it up or destroy it in their harbour. This is an accident we can provide against no other way, but by having at all times a land army equal to any they can invade us with, for opposing them at, or soon after their landing; and therefore, I shall always be for keeping a more numerous body of troops within the island in time of war, than was ever thought necessary in time of peace.

But besides the number of troops necessary to be kept at home, for guarding us against invasions or incursions, surely, Sir, in time of war, we ought to have some certain number of regular troops ready to be sent out upon such designs against the enemy, as future incidents may encourage us to undertake. As the winter time is the best for attacking the enemy in America, we cannot, perhaps, send out any land forces for that purpose before the month of July next; but there are other places where we may, perhaps, attack the Spaniards with advantage to ourselves, and great prejudice to them; and, for this purpose, it may be proper to send out a body of disciplined troops early in the spring. I do not know that his majesty has, at present, any such project in view; but, suppose he has not, yet many accidents may occur before that time, for rendering the success of such a project not only probable but certain; and could any one approve of our conduct, if we should lose such an opportunity, by not having a spare body of land forces ready to be sent upon the execution? Could the saving of 80 or 100,000*l.* which is the utmost we can save by what is now proposed, any way counterbalance the advantage we might reap by the success of such a design?

I cannot pretend to say, Sir, whether this war can be of a long continuance, or no; but, I am certain, that the most infallible method we can take, for making it of a long continuance, is to be so parsimonious at the beginning, as not to make the proper provision for carrying it on with vigour. We are told, by the highest authority, that they who go to war ought to consult, whether they be able with 10,000, to meet those who come against them with 20,000. But, it seems, we must be able to do a great deal more; for with 28,000 land forces, we propose to overcome Spain with above 100,000. It is true, our navy is much superior to theirs; but, by our navy alone, we cannot propose to force them to a peace: we must attack them at land somewhere or other; and, for this purpose, we must have a sufficient land force. I believe they have not at present any great number of regular troops in the West-Indies, and we may prevent their sending a great fleet and army there at one time; but we cannot prevent their sending small detachments in single ships, or in half a dozen ships at a time; and, by such means, they may considerably increase their regular troops in the West-Indies, even before we can send any to attack them. It is, therefore now impossible to tell, what number of troops it may be necessary for us to send thither, either for attacking the enemy, or defending our own dominions, in that part of the world; and, if we send veteran troops thither, the new raised troops that are to replace them here at home, ought to be levied some months before, in order that they may be trained to discipline, and ready for service, before we send away the old; for though we ought and certainly must send out troops for attacking the enemy, or defending our dominions abroad, I hope no gentleman will say, that we ought, for that purpose, to leave our dominions at home defenceless.

I shall not say, Sir, that a body of 28 or 29,000 men is absolutely necessary for our defence at home; but, I will say, that we ought to have that number at least, besides the marines now proposed to be

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raised, in order to be in a condition to spare 8 or 10,000, as occasion may require, for distressing the enemy, or defending our dominions abroad. And now, Sir, with regard to the method of raising and forming the body of marines proposed, as no gentleman questions its being necessary to make them fit for land as well as sea service, I am surprized to hear any gentleman say, that they ought to be formed into independent companies, rather than regiments. I believe, every gentleman that has ever seen any service, will say, that a body of men formed into regiments, are better for land-service, and less liable to confusion, than a body of men formed into independent companies; and this is confirmed by the present practice of every state in Europe. In little attacks and skirmishes, where there are not above 2 or 300 men of a side, independent companies may do as well as a detachment from a regiment; but where the contending armies amount to thousands, it is certain, that regiments are more proper than independent companies; and, as this last may very probably be the case of our marines, I must think they ought to be formed into regiments. I shall grant, that, whilst those regiments are on board our men of war, the field officers can be of no service; but I hope they will seldom be for any long time on board our men of war; they will be there only during the time of transporting them from one place to another; and wherever they go, the field officers must go along with them, in order to take the command of them as soon as landed: therefore, I hope, no gentleman will grudge the expence of 18 or 20 field officers, when it comes in competition with the behaviour of our troops and the glory of our country.

Now, Sir, as to the other officers, if gentlemen will but take time to look into the Estimate upon our table, and compare it with former establishments of the same nature, they will see that the body of marines, now to be raised, is to have no more officers of any kind than former experience has shewn to be necessary. I know, that the marines raised in 1692, had 200 men in each company; but experience soon shewed, that such companies were not fit for land-service, therefore they were reduced long before king William's death to 100 men in a company; and in 1702, the marines that were then raised consisted but of 60 men in a company; whereas, by the Estimate upon our table, if I may have leave to mention an estimate not yet read in the House, the marines now to be raised, are to consist of 70 men in a company, which is the highest number that, as all experienced officers say, any company of foot ought to consist of.

Lastly, Sir, as to the private men, of which this body of marines is to be composed, I must think his majesty is the best judge, whether they ought to be all new raised men or old soldiers, or partly one and partly the other; because he knows best what service they are to be sent upon, and when they are to be sent. If they are not to be sent out till four or five months after they are raised, it does not signify much whether they be all new raised men or no, because, in that time, they will be pretty well disciplined; especially if they are to be sent to the West-Indies, because they will have no enemy to encounter there, but the militia of the country, or some of the worst of the Spanish troops; for, whatever we may do, I am confident the Spaniards will keep their best troops at home to defend their mother-country. If the private men should be all draughted out of the regiments now in our service, it would be a loss rather than a saving to the nation; because an equal number of recruits must be immediately raised, for completing those regiments from which the marines are draughted; and, as it will be more difficult to find recruits for marching regiments than for marines, we must give a greater reward for enlisting. Thus if we chuse the cheapest way of forming a body of marines, we must take as many new-raised men as his majesty may think consistent with the service upon which he is to send them; and, I am sure, it will be the quickest; for a great many fellows that called themselves seamen, have been rejected or turned out of our men of war, because they were found not to be expert seamen, nor any way fit for their business. These men will all immediately list as marines, and will make good marines, though they could not be accepted of as good seamen: for though a captain of a man of war, after he has got a sufficient number of expert seamen on board his ship, may accept of able bodied landmen or seamen, that are not expert in their business, in order to make up his full complement, yet the regulating captains could accept of very few but expert seamen, because they could not know how they were to be disposed of; and by accepting of too many landmen, or unskilful seamen, such a num-

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ber of them might, by accident, have been put on board one of our men of war, as might have been the cause of losing the ship.

Upon this occasion, Sir, I must desire, that gentlemen would consider, which of the two services, the public or the merchant-service, ought, in time of public danger, to be preferred. As we do not in time of peace, keep a number of seamen in pay sufficient for manning our navy in time of war, when a war first breaks out, the public service must be neglected, or the merchant service must be distressed. This is a consequence which it is impossible to avoid, any way, but by keeping in continual pay such a number of seamen, as may be near sufficient to man the most numerous fleet we have occasion to fit out in time of war; and until this is done, I am sure, every gentleman that has a true regard for his country, will chuse to have a short stop or interruption put to our trade, rather than to have our whole exposed to imminent danger, by not fitting out such a number of men of war as may be sufficient for our defence.

I hope I have now shewn, Sir, that were the advice proposed to be given by this Address in itself right, it would be wrong in us to give it without a more mature deliberation; and, I hope I have likewise shewn, that it appears to be wrong in every particular. I am sure no gentleman that thinks I am right in either of these cases, can give his affirmative to the question; and I shall think myself very unlucky, if the majority of this House should think I am wrong in both. As for the declamatory excursions that have been made about the alarm given to the people by the great number of officers, civil and military, we have at present, and about the danger our liberties and constitution may be exposed to by corrupt practices, they may be, and I find they are introduced into every debate; but as it would be an endless task to answer them upon every occasion, all I shall say to them upon this, is, that we are here in the proper place for enquiring into such things: if any gentleman knows of an unnecessary office that has been lately set up, or an unnecessary officer appointed; if any gentleman knows of any attack that has been lately made, or attempted upon our constitution; or if any gentleman knows of any corrupt practices lately introduced, or made use of, he may, nay, as a member of this House, which is the grand inquest of the nation, he is in duty bound to take notice of it to the House: but then he ought to be particular: he ought to name the office or officer set up or appointed, the attack that has been attempted, or the corrupt practice that has been made use of; and he ought to move for an enquiry into what he finds fault with; for by thus declaiming in general, he can do no service to his country, he can give the House no information, nor correct any abuse. He does nothing but take up the time of this House most unnecessarily; for he cannot expect that such general declamations, though they may please the galleries, should have an influence upon any gentleman that has the honour of being a member; and much less can he expect their having such an influence in this question, where the vigorous prosecution of the war is at stake, than in any question of a different nature that can come before us.

The question was then put and passed in the negative, Ayes 95, Noes 177.

November 28. Lord *Polwarth* spoke as follows:*

Sir; the determination of this House shall always be regarded by me with the highest veneration, nor shall I ever think myself at liberty to renew a debate on a subject that has already been decided here. Yesterday, Sir, the House was pleased to reject a motion which I am persuaded every gentleman who voted for it, thought was for the ease and interest of the nation: you thought otherwise, Sir, and we acquiesce. I now, Sir, stand up to make a motion that may, perhaps, open the eyes of some gentlemen, and put the affair of yesterday in a very different light. An hon. gentleman, whom I have in my eye, very justly took notice, that the marines, as they are proposed to be raised at this juncture, are very different from the marines, that were raised in the beginning of the last war, and that the forces that are to be now raised under that denomination, are indeed no other than an additional number of standing troops. It is, Sir, in order to clear up that point, and to put the House upon a method of rendering our marine forces as serviceable, and as little burthensome to the nation, as it is possible, that I now rise up. I believe, Sir, the most sanguine advocate for the present administration will not deny that the af-

* This Debate is omitted by Chandler. It is taken from the Gentleman's Magazine.

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fairs of this kingdom in the late queen Anne's time, both on the civil and military establishment, were on as good a footing as they have ever been since. A glorious proof of it was the success which attended our arms, till those councils under which that war was begun, and so bravely carried on, were set aside, and gave place to others of a different tendency. The conduct, therefore, Sir, of that ministry, which had to do with a much more formidable enemy than we have at present, ought to be a direction to us. At that time a wise and disinterested minister, Sir, whom, for his honour, I may name the lord Godolphin, raised the power and reputation of this country to such a height, as rendered it the arbiter of the affairs of Europe. This, Sir, he accomplished by that now-despised virtue, frugality, frugality in every branch of the revenue. Amongst other wise regulations, then made by the government, was the establishment of marines. But as it would be irregular in me to desire the House to take my word upon that head, I shall beg leave to move, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions that the Establishment of the six regiments of the Marines, for the year 1704, be laid before this House."

Sir *George Yonge:*

Sir; the duty of my post under his majesty obliges me to rise, not to oppose this motion, but to inform the House of a circumstance, which, if gentlemen were not informed of, might perhaps raise some suspicions of a design to secrete some of the papers moved for by the noble lord. Sir, I can assure the House there is no such design, for it would give me great satisfaction to meet with this Estimate. But, Sir, since I came into the office where I have now the honour to serve, I have been very assiduous in searching for the Establishment, but never could be so lucky as to find it. This, Sir, I can account for no otherwise, than by supposing when the gentleman, who was then under-secretary of war, had the misfortune of having his house burnt, together with most of his papers, many of them relating to public affairs, this Establishment, Sir, was destroyed; for I am certain, had it been among the papers of the office where I am concerned, I must have found it. Therefore, I think that by agreeing to this Address, we shall only delay an affair which requires the most immediate dispatch; since if it should be presented, I doubt not but his majesty would give orders for laying the papers before the House. This, Sir, might take up a great deal of time, to no purpose. If, therefore, gentlemen are zealous and unanimous in the prosecution of this war, they will not propose any Address, or go into any measures that may procrastinate our preparations for carrying it on. The noble lord who spoke last, expressed a very great deference to the sense of this House, and I make not the least doubt of it; but I cannot help thinking, Sir, that if the Establishment which he has been pleased to move for, were discovered and laid before us, all the use that could be made of it, would be to give rise to a debate of the same nature with that of yesterday. The noble lord, Sir, mentioned our great success in the late war, and I can join with him in all the encomiums on the worthy minister whom he named: but I should be sorry to find that any obstructions were thrown in the way of the present, which were unknown to that administration, and should be still more sorry were it done with a view to make the present minister unpopular, whom, I am persuaded, his enemies would be glad to distress, even at the expence of the nation.

Mr. *Pulteney:*

Sir; it is very strange that the most fair and reasonable motions that are made in this House, if they are not to the liking of certain gentlemen, are immediately said to be concerted with a view to distress the administration. The hon. gentleman who spoke last tells you that he does not rise up to oppose the motion, but he tells you, at the same time, that he thinks it a very frivolous and unnecessary one. But what reason, Sir, does he give for all this? He has, it seems, been at great pains to search for the Establishment moved for, in his own office, and because he could not find it he concludes that it must have been burnt amongst the papers of a gentleman who had been under secretary of war. I had the honour, Sir, once to be in that post which the hon. gentleman now so worthily fills, and I had a great many occasions to look out for papers of this kind, it being at a time when they were very much wanted. But, Sir, I do not recollect ever to have missed any one paper through that gentleman's misfortune, or that any public paper of consequence was consumed when his house was burned. I, Sir, had occasion to search for papers that

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bore date before the session mentioned in this motion, that bore date in the very year, and after it, but I found them all in regular order, and with great ease.—I am far from suspecting, Sir, that the hon. gentleman did not search very narrowly for this Establishment, and I am far from saying that such a paper is in his office, but if it is not in his office, that is no reason why it may not be in another, nor is it any reason why we ought not to address his Majesty in the terms of the present motion.

Colonel *Martin Bladen:*

Sir; I am old enough to remember when the Establishment moved for by the noble lord was made, though I am not able to inform the House of the particulars, any farther than that an officer was appointed under the name of a commissary, who had the care of that establishment, and, I believe, delivered his papers into the secretary of war's office: so that, Sir, if they are not to be found there, we may despair of finding them at all. But, Sir, there is an hon. gentleman, a member of this House, who was pay-master to those marines, and who must know something relating to that establishment. I do not see the hon. gentleman present, but if he were, I dare say, the House would receive much satisfaction from his information.

Sir *Robert Walpole:*

Sir; I shall not oppose any motion that may serve to satisfy the House; but it seems surprizing to me, after this affair was so fully debated yesterday, to renew it to day. I can easily see, Sir, that the tendency of this motion is to raise difficulties, and to gain time. No other tendency it can have. Yesterday a motion was made, Sir, for having the marines drawn out of the standing regiments. That motion was rejected. To day another motion is made for having an Establishment laid before the House, which no body knows where to find; and, which though it were existing, as probably it is not, must take up much time before it can be discovered. Had the first of these motions taken place, we should have heard nothing of the virtue and disinterestedness of a former great minister, whose memory I believe every body has a great veneration for. Should the present motion, Sir, be admitted, all the reasons brought for converting some of the standing forces into Marines, must fall to the ground; but still, Sir, both motions have this consequence, that they keep up the spirit of division and debate at a time when we have the greatest reason to be unanimous. I shall therefore submit it to gentlemen, how prudent, how dutiful it is in us, after his majesty has recommended to us from the throne to provide subsistence for the marines, to sit here debating upon questions, that can have no effect, but either to procrastinate or entirely to disappoint his royal endeavours for the service of the nation. If gentlemen are of opinion, that the establishment moved for is absolutely necessary to be seen, before we can grant the supplies for the subsistence of the marines, let us immediately agree to the motion. But, Sir, I am far from thinking it necessary: I fear the bad consequences, that may attend our delays in this affair, will overbalance the benefits we can receive from having those papers laid before us; and, Sir, I must be of that opinion until I see reason to alter it.

Mr. *Sandys:*

Sir; the crown and public have, doubtless, the highest reason to repose the most unlimited confidence in the capacity and diligence of their ministers and officers, not one of whom knows how to find a paper! When it is wanted, one says it is burnt, another is of the same opinion, and a third, who ought to know better than both, thinks it a matter of indifference whether it is burnt or not, for it would be of no service to us. We are, I find, to have at least the pleasure of variety, and to see our forces, if not upon a good, upon a new establishment, since not one of those concerned in this affair knows, or even pretends to know, the regulations made on the like occasion almost in the last reign. I always thought, Sir, that precedents were proper directions for a minister to form his conduct upon, in cases exactly parallel. I conceive, Sir, we are to have a body of marines raised without delay; are we not? If we are, is it not very proper that we should know the footing upon which our former marines were settled? We had more money at that time than we have now, and therefore we have now more need to be frugal; we were in much greater danger then than we are now, and therefore the government in that reign was under much stronger obligations not to sacrifice safety to parsimony. It is true, Sir, we have better ministers now than they had then, and a just dependance on

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their known abilities ought to lay all our apprehensions asleep. But I must beg leave to say, that, however knowing in other particulars, they do not seem to understand one word of what they have said or been told either yesterday or to-day upon this subject. Indeed, the hon. gentleman might have wasted many of his valuable hours before he had found this establishment in his office; for what relation had the marines to the secretary of war? But what the hon. gentleman does not seem to know, I will inform him of. He ought to have gone to the Admiralty office, and there he might have easily found it. The marines, Sir, that were raised in the 3d year of queen Anne, were under the direction of the lord high admiral, they were commanded by him, and had nothing to do with the land officers. Therefore, Sir, an hon. gentleman, though he did not think proper to explain it, had very good reason for saying, yesterday, that the forces now to be raised under the name of marines were a quite different species of troops from those that were raised in the 3d year of the queen. They, Sir, were properly marines, their business was at sea, and they were very seldom or never sent upon land service. Another thing I must acquaint gentlemen with, lest they should happen not to know it, is, that the government, in the reign of that queen, thought some regard ought be had to the trade of this nation; they saw very plainly (what seems, indeed, not hard to discover, though it has hitherto escaped the piercing eyes of our present ministry) that if every ship which came home was to be deprived of her seamen, and left without hands to bring her into port, in a short time no ship would go out, and an end would soon be put to our navigation. What new notions have been of late advanced, I know not, but it is whispered, if not clamoured, that the commanders of our ships of war act in a very illegal, arbitrary manner. I do not speak, Sir, of the practice of impressing, though I think it a very scandalous one, and contrary to the privileges of a free subject; I speak of their leaving not above the master, his mate, and a boy, to bring a homeward bound ship of perhaps 2, 3, or 400 tun to port, through a very dangerous and difficult navigation, as that upon our coasts is known to be. I have indeed heard, Sir, that the captain of a man of war has been obliged to lend the masters, whose men have been impressed, sailors sufficient to bring their ships into the harbour. But, Sir, I have heard at the same time that they commonly put on board such ships the worst hands they can fix upon, though that part of the navigation requires the greatest judgment and experience. Therefore, Sir, the masters of the vessels, who have the misfortune to fall into their power, receive little recompense for the loss of serviceable men, in such worthless supplies, such mock-assistance. I lately heard, Sir, of a very melancholy accident that happened by this management, but as I cannot depend upon my information, I shall not represent it to the House. However this be, Sir, it is certain that the government under queen Anne looked upon this as a very oppressive method, and which called aloud for redress. For this reason, Sir, they very wisely chose to supply the number of hands that were impressed from a ship, by marines, who were instructed in the art of navigation, and obliged to navigate the ship they were put on board of, into port. This, Sir, had an excellent effect upon our commerce, as there were 6 or 7,000 marines upon the establishment, who were all able sailors, and very few accidents happened from the impress. That number, under a proper management, was found sufficient for all the purposes of the navy, and supplied all the necessities of our merchantmen. But will the right hon. gentleman affirm, that the marines now intended to be raised, are to be under the same regulation? No, Sir, I believe he will not.

There are other very apparent differences betwixt those and the marines we are now to have, which will be best explained when the establishment is laid before the House. I shall trouble gentlemen no further than to observe that there can be no danger of any delay, though we should agree to this motion, since the gentlemen in the administration know now to what office they are to apply for the satisfaction which the House may require; nor would there, Sir, have been any occasion for this motion, had the motion of yesterday been agreed to. The state of the question is plainly changed, the motion of yesterday regarded rather the body of forces that are to serve on board his majesty's fleet, and not properly marines; but since we have been informed that the forces proposed to be raised are in every respect marines, this motion becomes very necessary; for unless the establishment be produced, the House can have no re-

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gular information what a marine is, and we must take every thing upon trust from the gentlemen in the administration. I hope the motion will be agreed to.

Lord *Polwarth:*

Sir; I think it is not proper, at this juncture, to keep the House any longer in suspense; therefore, lest I should not have another opportunity, I will inform gentlemen that, for my own private satisfaction, I have procured a copy of the establishment moved for, which I now have in my hand; and as the gentlemen over the way appeared all so very much at a loss about those matters, they are welcome to look into it, which if they shall please to do, I believe they will very readily own it to be an authentic copy. By this Establishment, Sir, it appears that the body of marines mentioned were a very useful, frugal body, consisting of a great number of private men, and few officers. Every company, instead of 50 or 60 effective men, with a great number of officers, contained 100 men, with very few officers. Thus it is evident, Sir, you had more men at half of the expence which the body of marines now proposed to be raised must cost the nation. I do not know, indeed, whether this frugality is any recommendation of the establishment to certain gentlemen, but I think it is very evident, that if we do not follow that establishment, the forces we are now to raise are not marines, but land forces serving on board his majesty's fleet, and therefore they are an addition to our standing army. With what view such an addition is made, Sir, I leave gentlemen to judge. I am sure our land army is sufficiently provided for already, with regard to all the services which the nation can require in this war. If we are to increase our forces, Sir, it ought to be our sea forces. These the nation never can be jealous of, because they are her best and most natural security, and it is by these alone that we can hope to appear formidable to the rest of the world. If therefore we are resolved to do any thing effectual against Spain, we ought to be guided by that establishment but if we mean only to gain a plausible pretence of increasing our land forces, already too numerous and burthensome, it may be very proper to have no regard to it.

Mr. *Pulteney:*

I am glad, Sir, that it is now no longer possible to conceal from the House the great importance of the present motion, to which we should still have been strangers, if the noble lord who made it had not procured a copy of this establishment; for it is easy to see, from what has already passed, that we should not have had it any other way. But, Sir, I cannot but think it very extraordinary that gentlemen should take it upon them to inform the House, that they believe any paper which is moved for, as of consequence to the public, cannot be had. This has not been hitherto the proper place for such an answer, unless it be delivered by way of message from the crown; and even then, Sir, I believe there have been instances when this House would not have been quite satisfied, if, upon an address for a paper which they thought necessary, the crown had returned an answer that it was mislaid or destroyed. However, Sir, I have just now looked into that establishment, not without some surprize to find that there is so great a difference betwixt the forces that are to be now raised, and the marines in the 3d year of the queen. I knew there was a difference, but did not think it had been so considerable; for I find that there was not only almost double the number of men in a company, but that there were fewer officers, and even those upon a more sparing allowance.

Sir, it is very well known that I never have yet been a friend to French maxims of government, they are calculated only for a nation of slaves, and however safe and profitable they may be for the governors, however they may contribute to the security of a tyrant, they are certainly destructive of all the happiness that arises from liberty, of all the privileges of a rational being. Their government is military, as all other governments built not upon the choice, but fear of the people, must necessarily be. But, Sir, though I would be far from adopting into our system of civil policy any of their principles, yet I believe it may be found very necessary and prudent to imitate them in their military policy, because their government depending upon it, we may presume that they have studied it more than we, and left no means untried to bring it as near to perfection as is possible. This, Sir, seems to have been the notion of our ministry at the time when the Establishment moved for was settled; for I find it indeed no other than a transcript of the French regulations of the marine, who, by the frugal management laid down

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there, are enabled to furnish a body of marines at less expence than they can the same number of land forces, and the frugality of their plan consists in nothing more than in assigning but few officers to a great number of private men.

Now, Sir, as the hon. gentleman and his friends have again and again insinuated by their fears that we may be obliged to break with France; for it was almost solely from that apprehension that they drew their arguments yesterday, I shall only give you a plain reason, drawn from common life, why we ought to adopt this regulation. Let me suppose, Sir, that I am to go to law with another person who owes me a sum of money, and whose purse is equally weighty with my own: that the law suit, as law suits often are, will prove very tedious and expensive. Now, Sir, is it not plain that if I shall spend three pence while my antagonist lays out but two, that my purse must be exhausted sooner than his, and consequently that judgment will go against me, or if it should not, that when it is ended, I shall be so much the poorer than my antagonist? We are upon the brink of a war with France; she has, by a long series of well-conducted measures, raised her power, and extended her commerce, and consequently her purse must be heavier than ours, whose commerce, upon which our power depends, has been so long declining. But granting her purse to be only equal to ours, if we spend most in the course of the war, our purse will be sooner drained, and therefore we must act under great disadvantages. I know it will be said, Sir, that the expending a little money upon a proper occasion, and at a proper time, may save a great deal upon other occasions, and at other times. But that argument can have no weight here, unless gentlemen can prove that there is a proper occasion, that it is much better to have marines upon the establishment of land forces, than upon that which the noble lord moved for; which, though I have many proofs of their courage, I believe they will not attempt.

I know, Sir, it is not very regular in me to advance any fact in this House, unless it is unquestionable, or capable of immediate proof; therefore, Sir, what I have to mention, is submitted to the House, and it is not to be doubted that if I should advance any thing contrary to truth, there will not be wanting either abilities or inclination to confute me. I have heard, Sir, that his majesty was advised to insert the mention of the marines in his speech, after all their officers were named and had received their commissions. I am sorry, Sir, to think that any minister, however used to triumph over opposition, should so far presume upon the approbation of this House to any plan, to act as if we had actually agreed to it. But this practice, Sir, has of late been too customary, and may in time, creep up so as to render the advice and assent of this House to measures, previously concerted by the minister, only empty form, and idle ceremony.

Some gentlemen grasp at power for themselves; my views are to give strength to the nation. The method that has been followed in raising those forces that are the subject of our debate, certainly was the most proper for a minister's attaining the one; but the regulation laid down by the establishment now moved for, is the only means of producing the other.

Sir *Robert Walpole*:

Sir; as I begin now to discover the tendency of this motion, I do not rise to oppose it; for I do not think it of any consequence whether we agree to it or not. If gentlemen, at a time when unanimity and dispatch are not only in the most affectionate manner recommended from the throne, but required in a more particular manner by our present circumstances, will throw in motions that can serve for no other end but to produce discord, contention and delay, let them answer for the consequences. For my part, Sir, I have always been so tender of setting aside any motion which gentlemen thought regular, that I have sometimes, when the consequences appeared not very formidable, forborn to oppose motions very much contrary to my own sentiments; for it never shall be said with truth, that I will oppose a motion that is not irregular and improper, merely because it is insignificant, or may be inconvenient to particular persons. Every gentleman has a right to call for what lights he thinks proper, as a member of this House, and I perceive gentlemen have a mind to stretch that right to its full extent.

The hon. gentleman who spoke last but one, seemed to value himself upon having been able to inform the House where the Estimate moved for is to be found. If I or my friends had imagined that any gentleman would have moved for that esti-

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mate, we should probably have been at the same pains to have informed ourselves as the hon. gentleman. When we were informed by his majesty's Speech that he intended to raise a body of marines, I do not believe that there was a gentleman in this House, or even in the whole country, who could imagine that these marines were to be upon the establishment of the third of the queen. It is very well known, Sir, that that establishment, as much as it has been recommended by the hon. gentleman who sits near me, from the example of France, was found attended with such inconveniencies that four years after it was quite laid aside. The marines were appointed for the safety of the Leeward islands, and our other settlements in America, where they were regimented, and where they still continue; and instead of them land-forces were appointed to serve on board the fleet. These land-forces, Sir, were commonly called marines, as well as those who were discharged, and were regulated exactly according to the establishment intended for the present marines, as to the proportion between the number of officers and private men. Besides, if those who favour the present motion had condescended to consult the words of his majesty's Speech, it would have set them right upon this head, and shewn them that the ministry did not intend by any equivocation, to steal upon the country an augmentation of the standing army, as has been in plain terms asserted by the hon. gentleman. His majesty, therein, indeed, does mention marines; but then he gives us to understand that these marines were to be soldiers, and not sailors, as the hon. gentleman says the marines were in the 3d year of the queen. Therefore, Sir, I think his majesty or, (if gentlemen will rather have it so) they who advised his majesty's Speech, dealt very plainly with the public; for had there been any intention to equivocate, they would have kept to the general word marines, and then gentlemen would have had some shadow of reason to pretend that they had been imposed upon. But give me leave to say that these gentlemen are very much mistaken, if they imagine that there is so great a difference betwixt the expences of the establishment that is now proposed and that in the third year of the queen. Mention is indeed made in that establishment of 100 men to one company; but, Sir, there is nothing better known to gentlemen, who are old enough to remember the forces on that establishment, than that 30 or 35 men were always deficient in every company; so that the effective men amounted but to 65 or 70 at most. The money, Sir, that was allowed by parliament for raising these 30 men, was swallowed by their officers; and nothing was more easy than by a knavish confederacy betwixt the officers who commanded the marines, and the officers who commanded the sailors, to make the marines upon occasion pass for sailors, and the sailors for marines; and thus the public suffered on both hands. This, with a great many other reasons, was sufficient to induce the government to make an alteration of that plan, and to put the forces serving on board the fleet upon the establishment of land-forces.

The government and ministry that made this alteration were the same who projected the establishment of the third of the queen, and if their authority be sufficient to recommend that establishment, it must be of equal weight to justify the alteration, which was not made but upon just and weighty reasons. But if I might be indulged in a conjecture, I should be apt, Sir, to think, that the government, in agreeing to the establishment of the third of the queen, did it chiefly with a view of pleasing the consort of that queen, who was then lord high admiral. The new marines, which were to be under his command, or that of his admirals and deputies, was a very large accession to his power: but I imagine that the gentlemen who now act as commissioners in the office that was then totally vested in him, will not expect that any such compliment should be paid them by the legislature.

The hon. gentleman, Sir, who spoke last, brought an argument in favour of the establishment of the third of the queen, that I did not expect to hear advanced in this House by a professed advocate for the principles of liberty. The French, said he, are, or ought to be our patterns, and they take care to put a hundred men into every company of their marines. But, Sir, if they are to be our directors in this piece of military policy, why should we not copy from them their whole system? The hon. gentleman insists upon it that they are the best judges of military affairs, and that we ought therefore to imitate them. But I believe, Sir, if the ministry were to extend the military powers, and were to bring in a bill into this House for making the authority of a field-officer as great as that

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of a justice of the peace, and supported it with no better argument for doing it, than that it was practised among the French, who understand military discipline better than any people in Europe, I appeal to the hon. gentleman himself, if he would not be the first in this House to oppose such a bill? How would the ministry then be charged with being the tools of France, and accused of a design to introduce French maxims of government! I observe that gentlemen, in their opposition to the administration, make it their business to collect precedents and examples from our neighbours, and if they can find any thing parallel to them practised by the government, let it be never so reasonable, then it is always the universal clamour, that the government immediately designs to reduce the whole constitution to the French form, that they may make themselves arbitrary. But if some gentlemen have a favourite measure in view which corresponds with any thing practised by the French government, that agreement is so far from being a reproach to it, and a reason why it ought not to be pursued, that it is recommended solely on that account. The French are, then, an extremely wise and polite people, their governors understand the interest of their country, and nothing but corruption and prodigality hinder us from following the same measures.

The hon. gentleman was pleased to give us, what he called a plain reason drawn from private life, why we should adopt the French system of marines. If I shall go to law, said he, with a purse equal to that of my antagonist, and shall spend more than he does, then my purse must be soonest exhausted, and I shall certainly suffer in the issue. But, Sir, I do not see how the application is just in case of a war betwixt us and France. I do not deny but that it is possible we may be engaged in a war with that power, but if we be, I see no reason for adopting any part either of her civil or military policy into our system. If that is to be done in the case of the marines, I should be glad to know why it ought not to be done in the case of land-forces too. If the military policy of the French has been brought to so great perfection, why are not all our military exercises copied from them? Why do we not procure transcripts of the establishment of every regiment in their service, and regulate ours by the same plan? Why do not we settle the pay both of our officers and soldiers according to their unexceptionable example? This, Sir, would be frugality indeed, and were this done, the hon. gentleman's argument would receive its full force; but we find it was disregarded all the time of the war under the reign of queen Anne. At that time, Sir, the expences we went to, were much greater than those of the French; our officers of every rank were paid, I believe, a third more than those of the enemy; therefore it would have then appeared, according to the hon. gentleman's way of reasoning, that though our purse had been equal to that of France, yet it must have been much sooner exhausted. But, Sir, I never heard that any gentleman was so public-spirited, as to rise up and declare in this House, that the nation must be ruined if the military policy of the French was not adopted here. But will any gentleman in this House say that reducing the pay of our marines to the same with that of the French will be practicable? Is not every body, who knows the least of the French nation, sensible, that a British officer or soldier would starve upon the allowance on which the French could be luxurious?

Let the hon. gentleman then, Sir, first alter the manners of the people; let him render Englishmen equally abstemious, sober, and temperate with the French, and then, Sir, the French military policy would not at all be impracticable here. There are gentlemen in the House, Sir, who, I dare say, have had some opportunities of knowing in what manner the French soldiers lived in the time of the late scarcity which prevailed in that country. They received no more than their ordinary pay, which amounts to little more than $3d\frac{1}{2}$. of our money, and provisions of all kinds were twice as dear as usual; yet, Sir, they never mutinied, nay, they appeared to be much more happy than the other inferior sort of people, who were all forced to go a begging, and were ready to tear their superiors in pieces.

Upon the whole, Sir, I can see but one way of recommending the French system, and that is, by the ministry deserving the character which he and his friends are pleased to give us. We need, Sir, only throw aside all concern for trade, all regard for the interest and honour of the country abroad, all care for the ease and safety of the people at home; in short, Sir, we need but introduce French maxims of civil government, and we shall be soon

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under a necessity of adopting those in their military. Riches and trade introduce luxury, but a poor and an oppressed people must live as their poverty and their oppression will allow them.

We have heard a great deal of the virtues of the French minister; and, Sir, I am so far from detracting from them, that I think it would be for the mutual interest of France and England too, if such a minister were always at the head of the French government: but gentlemen talk as if the natural interest of England and France were absolutely incompatible; and from this would infer, that every first minister in France, if he sincerely consults the interests of his own country, must ruin and undermine those of Great Britain. Sir, in my humble opinion, it is very possible for a minister of France, as the present minister does, to make the people of France as happy as the form of their constitution and government will admit of, and yet give Great Britain no just grounds for being jealous that he does it at the expence of her commerce. I appeal to facts, Sir, admitting the increase of the French commerce to be as great as it has of late years been given out to be; yet how can that affect us, if we are sensible that our own commerce is in a more flourishing condition than it was when that of France was precarious and obstructed? Can gentlemen pretend that we have sunk in one branch of trade without rising proportionably in another? Can they pretend that we employ a less number of ships now than formerly? Can they say that there is less money in the nation now than there was formerly? I believe, Sir, it might be made appear to a demonstration, that our exports are greater than ever were known; and it is only by the exports of a nation that the state of its commerce can be examined. It can be made appear, Sir, by the experience of every man in trade, that our credit daily gains ground; and I believe there is not a gentleman in this House who, if he speaks his real sentiments, will not own that he never knew such abundance of money in the country.

Why, then, are we to make any alteration in our military policy? Because, say gentlemen, we cannot afford to spend more than France. I will venture to say, Sir, that we are at present in a better condition than we were towards the end of the last war, and yet I heard of no such proposals at that time. But, says the hon. gentleman, the French are very much increased in trade since that period, and therefore their purse must be much more weighty now than it was then. Sir, if their trade is increased, so is ours: but what proofs have we of such an increase of their trade as is commonly supposed? Does it appear from the great number of their ships which they employ? No, Sir, I believe it will be found upon enquiry, that in all the branches of trade which they have improved, they employ British vessels as carriers, and that there has been but a very inconsiderable addition made to their shipping, notwithstanding the long peace they have enjoyed, and the great opportunities they have had. But, Sir, I say it again, though the French had of late received this great accession of power and trade, is that any reason why the British ministry should be libelled and traduced? Is it any reason, Sir, why the government here should be blamed for not declaring war or at least breaking with France? Has she done any thing inconsistent with treaties? Has she invaded any of our possessions? Has she broken any stipulations that were made in our favour? No; if she has increased her power and trade of late she has done it by means which we have no reason to complain of, therefore it would be unjust as well as impolitic to break with her upon that account. I should not have mentioned this here, Sir, had I not for some time observed, that gentlemen never mention the power and commerce of France but with a design to depreciate that of Great Britain: with how much justice, Sir, I leave every unprejudiced examiner to determine. France can never violate any of our rights of commerce, unless she has a power at sea sufficient to support her; but while that is covered with our armaments, the interests of this country must be safe. Had France, during the long peace she has enjoyed, been concerting measures for rendering herself the rival of our naval force, then, indeed, the government here might have found reason to look upon her with a jealous eye. But, Sir, the case is quite otherwise; she is not near so powerful now by sea as she was in the last war, and our power is increased. This is a plain, and indeed the most convincing proof, that she has no ambitious views to the prejudice of this country, and that if she had, they may easily be frustrated.

But while I say this, I am far from thinking that we have nothing to dread from France; I know, Sir, how formidable she

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is on another element, where we shall be unable to oppose her, without a strong army of land forces; I know what strong motives that nation has from interest, and her monarch from blood and relation, to be jealous if we should be too successful against Spain; but I know at the same time, Sir, it is in our own power, if we are steady in our counsels, and united among ourselves, to defeat the attempts of both. The knowledge of this, Sir, makes me declare against every measure that may weaken us at home, even though it should be attended with a little saving to the nation. I ask pardon of the House for taking up their time thus long upon a point that does not indeed admit of debate, since I believe there will not be a single negative to the motion. But when gentlemen throw out reflections and suggestions, they are apt to triumph, if no notice is taken of them.

I shall now, Sir, only say two words in answer to what was further alledged by the hon. gentleman. He was pleased to remark, and to enforce his observation with great warmth of language, that it was an intolerable indignity to the honour of this House, that the officers of the marine regiments were appointed before this House had agreed that the levies should be made. Sir, I believe there is not a more fundamental maxim in all the British constitution, than that his majesty may provide for the safety of the country whenever he conceives it to be endangered; and this, Sir, he may do by raising whatever number of troops he thinks proper. It is true, the parliament is to judge how far it was necessary in such an exigency to raise these troops, and to determine whether the nation shall pay them or not. This power in the sovereign, Sir, in former times, when parliaments were seldom called, or, if called, immediately dismissed if they were not obsequious to the court, was dangerous in the hands of a weak or ambitious prince; but, Sir, there is no danger now that any bad use can be made of it. His majesty every year gives parliament an opportunity of offering him their advice, or of approving, or disapproving, the measures of his ministry. During our recess, he entered into a war urged to it by the unanimous advice of his injured people. This war was to be supported with vigour. Was his majesty to delay the raising of the marine regiments till the meeting of parliament, and then delay it longer till all the forms of this House and the other are gone through in settling their allowance? No, Sir, he was to shew the enemy that he had a just confidence in his people, and that he was resolved to obtain satisfaction for their injuries, by making the most vigorous and effectual preparations. Had he delayed nominating the officers, he must have likewise delayed to levy the troops, since it is well known that this is the business of the officers; and this delay might have been attended with very destructive consequences.

But what the hon. gentleman seems most offended at, is, that the commissions on this new establishment must create a great many friends to the ministry, or, if he will, the minister. Sir, I believe every gentleman will readily grant, that if they can be of any service to the ministry, it must be because either themselves or their friends sit in this House. Now, Sir, I have looked over the list of the promotions that have been made of the marines, and I cannot find that any one of the officers that have been newly made, either sits himself, or has any friends that sit in this House; at least, Sir, I will venture to say that not one of them have been advanced upon a parliamentary recommendation, and will defy the hon. gentleman to prove the contrary.

It is possible, indeed, Sir, that some of their friends may sit in this House, but if we were to promote nobody who had the least relation or dependance upon any member here, or in another place, I am afraid that the nation would lose some of her best and most promising officers. The sum, therefore, of what the hon. gentleman has said on this head is, that his majesty ought never, on any account, to make the least addition to his land forces without consulting him and his friends; or if he does, that they at least should have the nomination of the officers. This, Sir, according to him, would give strength to the nation, but it would be such a strength as would only operate in mischief, and tear in pieces the constitution.

Upon the whole, Sir, I am far from opposing this motion. I only think it has provoked gentlemen to use a great many harsh expressions, and to advance a great many facts that might better have been spared. Had the motion been made as it ought to have been, and gentlemen given their reasons for it, without entering into what was quite foreign, I should neither have given the House nor myself this trouble.

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The question being put, the motion was agreed to.

*Debate in the Commons on a Resolution for addressing the King not to make Peace with Spain, till the Right of British Ships to navigate in the American Seas is acknowledged by the Spaniards.**] November 21. Sir *William Wyndham* spoke to the following effect:

Sir; the motion I have in my hand is of so great importance to the honour of his majesty, to the dignity of this House, and to the interests of this country, that I believe I shall be easily excused for taking this opportunity without any previous notice to the House of bringing it in. I own, Sir, I cannot without some little vanity, reflect that I have the honour to be the author of a motion, which, if agreed to, as doubtless it will, must retrieve the glory of this nation from all the infamy and disgrace with which a long train of weak unsuccessful negociations, inconsistent treaties, and ridiculous expeditions, have clouded it. In one word, Sir, it is a motion that must have that effect, because it will put it out of the power of those who have been the authors of so much dishonour and disgrace to this country, any longer to make so bad a use of their influence. But, Sir, as the motion is of an unusual nature, I think it my duty to make the necessity and expediency of it as clear to the House as it is possible.

I believe, Sir, there is scarce any body at present so little acquainted with public affairs, as not to be sensible that we are now involved in a war, because those who have had the management of the national affairs for these twenty years past have not known how to make peace. If they had, it is impossible that the terms and limits of the British trade should have remained undetermined; at least, that branch of the West Indian trade, which supports and feeds all the others. But for want of knowledge in the true interest of their country, the first step to ministerial reputation, we have been negotiated into an unnecessary but expensive war.

Where there is a visible advantage in protracting a peace, or delaying a war, which is often the case, an administration, Sir, would be blamable, if, from an ill-timed precipitancy, they should hazard that by a doubtful war, which they have a moral assurance of obtaining by an honourable peace. This, Sir, is the sum of all that can be advanced for our late pacific, I may say, pusillanimous dispositions. But, Sir, a very short review of the affairs of this country will be sufficient to convince gentlemen, that, by delaying the demands of satisfaction, we increased the difficulty of obtaining it.

I am very unwilling, Sir, to trouble the House with any thing that has been said before on this subject, and therefore shall avoid it as much as possible. But as the nature of the motion I have in my hand, requires some short review of the history of our differences with Spain; as such a review may, perhaps, conduce to the information of those who may be intrusted with the conduct of future negociations, and as I have not the honour to be entitled to deliver my sentiments on this head in another place, I hope to meet with the indulgence of the House.

The great point, Sir, that from the beginning of our differences with Spain (which, I think, may be traced back as far as the fifth year of his late majesty's reign) was insisted upon by the British nation, was "an absolute renunciation, on the part of that crown, of all claim to stop or search the ships of this country on the high seas." The justice and necessity of our obtaining such a renunciation, was so fully laid down by my hon. friend over the way, (Mr. Pulteney), two sessions ago, that I shall say nothing on that head, because I can say nothing that he did not say much better before. All I would observe is, that this great point seems to have been either entirely unknown, or wilfully neglected, by those who have transacted our affairs with that crown. The claim, Sir, of searching our ships, under pretence of their carrying on an illicit trade with the Spanish settlements, has been but very lately avowed by that court. But the practice is of so long standing as Charles the 2nd. The Spaniards, however, in that prince's time, paid very dear for those few instances of injustice and oppression then committed; but which our long forbearance under them since seems to have given them almost a title to the practice of. In the minority of one of their princes, the interests of Spain were so far misunderstood by a violent but weak woman, who was then regent, that she issued out several orders, authorizing the Spanish subjects in America to make prizes of our ships which should be found

* This important Debate from the Gentleman's Magazine, is omitted by Chandler.

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within such distances of their settlements. But we soon found means of making them repent this step, for our merchants made reprisals at their own charge; the Spaniards concerned in these captures were treated as pirates, and, without putting the public to the least expence, that crown was forced into a good behaviour: the orders were recalled, and if I am not mistaken, some of their governors were punished, and we carried on that trade to a degree, that in a short time made us as much the subject of the envy of Europe as we are now of its contempt.

I have heard it asked, Sir, even within these two years, in this very House (I do not know whether the same objection was not made in another place), if the Spaniards had no right on any account to search our ships in those seas, why did we not, at that time, oblige them to renounce that claim? And it was inferred that our not doing it then, or since, was a proof that we looked upon it as justly founded. Sir, I will not pretend to apologize for every measure of that reign: but I believe it will be found, that there were many reasons, and those strong ones too, which might prevail with our court, at that time, not to insist on such a renunciation. In the first place, Sir, till the 18th of Charles 2, there was one continued struggle betwixt our court and that of Spain, for opening the Spanish ports in America to a free trade with this country. I cannot, Sir, bring a stronger proof of this than the instructions delivered by our court to sir Richard Fanshaw, sent from hence to negotiate a treaty of commerce with Spain. These authorities I think are sufficient to prove, that our court at that time did not think the exclusion of all other nations from a right to trade with the Spanish settlements absolutely necessary to the repose of Europe; a doctrine, Sir, that of late has been very much insisted on, for what purposes it is no hard matter to judge. But, Sir, the principal use I intend to make of these passages is, to account for the reasons why we did not insist on a renunciation of their right to search our ships. Such a renunciation, Sir, while we entertained any hopes of our having a free trade allowed us to their settlements (which, it is plain, our ambassador was to have principally in view) must have been unjust and unreasonable, because contrary to the right which every sovereign has to prevent all illicit trade betwixt his own subjects and those of a foreign power, when a trade is free. For, give me leave to say, that no trade is so free, at least none in Europe that I know of, betwixt any two powers, but that some certain commodities are specifically excepted, both from exportation and importation. This, Sir, necessarily implies a mutual right to search. But as in the case betwixt us and Spain, there can be no object of search, because all trade is prohibited; where there is no object of search, there can be no right to stop and molest our merchants under pretence of searching.

From these considerations, Sir, I think it sufficiently appears, that while we were in hopes of obtaining a liberty to trade with the Spanish Indies, we could not insist on any such renunciation: but why was it not insisted on afterwards, when this mutual prohibition was stipulated, as it was by the treaty of the 18th of Charles 2, and the American treaty? This, Sir, may be easily accounted for too. Our court, which at that time was still standing in need of money, found it their interest to wink at the Spanish depredations, because it gave us a handle of making such reprisals upon the Spaniards, as this crown found the sweets of. For it appears, Sir, that our court privately connived at our governors abroad, and shared in the booty. The governors, on the other hand, made so good use of that connivance, that at one particular juncture their reprisals on the Spanish settlements arose to such a height as almost to make it a national quarrel betwixt us and France. Besides, Sir, the depredations committed by Spain at that time were but petty ones, there were not above half a dozen instances in all, and the greatest of theirs not to be compared with the smallest of the many which our merchants have proved at the bar of this House.

Having said thus much, Sir, I shall not trouble the House with a particular detail of our affairs with Spain in the three following reigns. Something, however, it may not be amiss to observe on that head. In the reign of king James and king William, we find few or no instances of the Spaniards seizing our ships in time of peace; and this last prince, Sir, had it always in view either to make us masters of a large part of the Spanish dominions in America, or to oblige the possessor, whoever he was, to allow us a free trade with their settlements. This, Sir, he might certainly have obtained had the Partition Treaty taken effect: but, Sir,

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the ambitious views of France, which then threatened the repose of Europe, and his ruling passion to reduce her power, made Spain a necessary ally to him. For this reason, and by the caution which Spain took to avoid what might give offence to our court, there was no express regulation made with regard to the mutual interests of the two crowns in point of commerce, during his reign. Every body knows what happened afterwards, and that the Spanish Indies have since continued in the hands of the present prince, with whom we were at open war for about 13 years, and therefore during that time there was no room for treaty.

Gentlemen, Sir, will not, I believe, be very forward in justifying the peace of Utrecht, and therefore if such a renunciation as I am speaking of was not at that time obtained, it will not, I hope, be brought as an argument why it ought not to have been obtained since. But really, Sir, bad as that treaty is represented to be, our interest in the European trade was by no means entirely overlooked by it; for the American treaty, Sir, is therein confirmed, which is more than has been done in some treaties made since by those who have been loudest in their censures. Here, Sir, give me leave to make one general observation in defence of those who made that treaty; that it being impossible to foresee that the Spaniards would seize our ships in time of peace, the negotiators perhaps judged very right that the confirmation of the American treaty was a sufficient security to our American trade. Give me leave to say, Sir, that treaty, rightly understood, would secure it. Nothing could have made our insisting on a renunciation necessary, or indeed so much as expedient, but repeated proofs on the part of Spain, that she thought herself entitled by that treaty to stop and to search our ships, a practice which she had not then pretended to avow.

There was no necessity therefore of requiring her to renounce what she had never claimed; but as she has now claimed this right for many years, insisted on her claim with the utmost degree of insolence, and prosecuted it not only with the violence of war, but with cruelties to which even war is a stranger, it is now just and necessary that she should be obliged to renounce it. After the treaty of the 9th of his late majesty the Spanish depredations in America may be properly said to have commenced. But what was our method of negotiation, Sir? We did not at once deny the claims of the Spaniards. We did not tell them, you have no right upon any account to stop the ships of this nation on the high seas. You have no right to search them, to seize them, or to confiscate them. No, Sir, we admitted their right in every one of these respects; we admitted it, Sir, by the very manner in which we treated; we admitted it by allowing the legality of these captures to be examined; we admitted it by suffering the court of Spain to pronounce that this ship is a lawfuller capture than the other was, because this ship was taken in such a latitude? this ship was laden with such and such commodities. It was in this manner, Sir, that our rights were negotiated away, for the consequence of our treating in that manner was, that a great deal of time was taken up in inquiring into facts which ought to have been cut off by this one sentence on our part; "We admit of every thing you say to be true, yet these captures are illegal." This, Sir, would have put it upon a short issue; we must then have fallen upon inquiring, not into the intricacies of disputed facts, but into the truth of a plain obvious maxim, Sir, which if the Spaniards had denied, they must have likewise denied our right to a freedom of navigation. If they admitted it, Sir, they must have admitted all that could secure it.

But not only debates and negotiations, Sir, but treaties themselves have, I am afraid, contributed not a little to making the Spaniards imagine that they had a right in such and such circumstances to stop and seize our ships. The treaty of Seville, Sir, refers to the decision of commissaries all the disputed captures betwixt us and Spain. This, Sir, was going a length which we ought certainly to have avoided; because, as I observed before, it placed the affair in dispute betwixt us upon a false supposition. It gave the Spaniards an opportunity of disputing and wrangling about every fact, and to protract the negotiations of the commissaries till the point which they had in view in that treaty was gained, then they renewed their depredations, and laughed at us.

Sir, I say nothing upon this head, in which I am not warranted by positive facts asserted in the papers lying upon your table. There, Sir, we see remonstrances and memorials, given by your ministers to the court of Spain, upon the subject of depredations, but not a single word in them all of what ought to have

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been the chief, and even the only subject of them, an absolute denial of all right claimed by the Spaniards to search, except in their ports and harbours. Even the decision of our differences by commissaries, which commissaries were to reside at Madrid, and the reference of the claims of our merchants to their discussion, was at least adding a great hardship to their former losses and sufferings, since it obliged them to a very expensive, troublesome, and fruitless method of solicitation: A method of which the inconveniences were rightly foreseen, and plainly foretold in the Protests of the other House, and which from the beginning had no prospect of better success.

But, Sir, to come nearer to the point: I should be glad, if any gentleman, who has a good opinion of that treaty, would tell us what benefit the interests of the nation could have received, even though our merchants had obtained full satisfaction at the court of Madrid, if the Spaniards still maintain their claim to search our ships. A few private merchants might have perhaps been relieved, but the nation in general must have suffered by admitting a claim, which in effect destroys the freedom of our navigation. The same principle, Sir, which induced us to make the Spaniards judges of the damages we were to receive, must have made us acquiesce if we had received none, or but very little; for in all references the parties are obliged to submit to the decision of the judges. It is true our commissaries were joined with those of Spain, but that we see did not mend the matter, for they could do nothing by themselves, however willing, and it was the same thing to the sufferers as if no commissaries from us had been there, nay much worse, because the nation was at a considerable expence in maintaining them to no purpose.

Thus, Sir, I think it appears very plain, that the treaty of Seville gave us no prospect for ending the disputes betwixt us and Spain to our advantage, even supposing that Spain had punctually fulfilled all the engagements we entered into by that treaty; because the principal point, an absolute renunciation on the part of Spain to her claim of search, was neither granted nor demanded. But our negotiators, Sir, may say for themselves, Where was the necessity of insisting upon the renunciation of a claim that never was made? The Spaniards did not claim any such right, why should they renounce it? I think, Sir, I have heard an hon. gentleman over the way say, that our obliging them to renounce it by the Convention, would have been, in some measure, to have admitted it. I hope that I have said enough already to answer the former of these objections, and my hon. friend's observation answers itself. But, Sir, I come now to a period wherein that claim was actually in express terms made by the Spaniards, in terms equally express refused by our minister, and yet afterwards admitted by that very minister, though directed, by the Resolutions of both Houses of Parliament, not to admit it. This consideration alone, Sir, is sufficient to prove the expediency, nay the necessity of the motion I am to make.

In the letter, Sir, from the Spanish minister to Mr. Keene, we find that court insisting positively upon a right to search all ships which should be found to have without necessity, (of which necessity the Spaniards are to judge) changed their course so as to approach any of the Spanish settlements.

Here the claim, Sir, is fairly made, and our court in a copy of a letter communicated to this House, as intended to be sent to Mr. Keene, who was to give it to the Spanish minister as the answer of his court to the marquis De la Quadra's letter, flatly denies it, and very rightly tells that court, that it was a claim unreasonable, even upon the supposition that the crown of Spain was possessed of the sovereignty of the American seas; and never would be admitted by his British majesty. Sir, I do not know whether this letter ever was delivered to the court of Spain, but this House is to presume that it was, and if it was, by what means did it happen that the Convention was afterwards concluded, in direct contradiction to all that is with so much reason asserted in it. For by the Convention the claim of the right of the Spaniards to search our ships is in reality admitted, as the decision of the legality of the captures is referred to the discussion of plenipotentiaries. Thus, Sir, we see an evident inconsistency in our negotiations, which can be accounted for only by one of these suppositions: that in the intermediate time betwixt the delivery of the letter I have last mentioned and the Convention, they found means to persuade our minister of the reasonableness of their claim; or that our minister, to facilitate the conclusion of the Convention, voluntarily withdrew the objections to it.

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I could, Sir, from many facts, made evident by the papers upon your table, and from many instances proved at the bar of your House, show that our ministers, whether from ignorance or design I shall not say, have oftener than once admitted this claim. But I believe what I have already said on this head will be sufficient to convince gentlemen that we never can obtain a peace with Spain that will satisfy this nation, without previously obtaining an absolute renunciation of all her claim to search our ships on the open seas. Such a renunciation must not admit of being debated on by the ministers of either court, or by any mediating power; it must be obtained previously to all other negotiations.

I say, Sir, it must be previous to all negotiations about a peace, because this nation has often had melancholy proofs how much our neighbours are our superiors in all affairs of the cabinet. When our interests come to be negotiated, they are given up; the minute I hear of a difference that is to be amicably adjusted, or a measure that is to be deliberated betwixt us and other powers, I immediately conclude that we must suffer by the one, and be outwitted in the other. I am sorry to say, Sir, that I have not for 20 years past once observed that I have been deceived in this observation; and the country, Sir, has had so many repeated proofs of unsuccessful negotiations, that I tremble to think what may be the consequences, should they be revived. The war we are now engaged in cannot be prosecuted without an immense expence, an expence, Sir, that will require many and great advantages to repay. The conduct of this war, as far as we can hitherto judge, has not been such as to give either this nation, or the rest of Europe, entire satisfaction that we are in earnest; nor can I forbear to express my apprehensions, that while our counsels in time of war are directed by the same persons who negotiated our interests in time of peace, it will be very difficult, if not impossible, to make either the one or the other believe that we are so. What must be the consequence of that, Sir, but to create dissatisfaction at home, and to make us fall into utter contempt abroad?

But there is, Sir, yet a method by which we may retrieve the glory of the British name; by which we may make his majesty the sovereign of a great and a glorious people; and that is, by parliament's interposing in the management of this war. We have long tried, Sir, what can be done by ministers; let us now try what can be done by parliaments. Let us begin with securing the great point about which I have taken up so much of your time. The effects of this conduct, Sir, will be great to the nation: it will stifle all suspicions that a secret negotiation is on foot, in which this great point is to be given up: suspicions, which begin now to spread wide, to be entertained by great numbers, and which may soon swell from whispers into clamours. It will give Spain to understand that she has no longer those to deal with who gave her so many and so great advantages in the late negotiations, and that she is now deprived of all manner of hopes to succeed by chicanery, sophistry, or ambiguous expressions. It will, Sir, have another effect, which is, that the rest of Europe will be convinced that our measures are now altered; such of them as incline to be our enemies will take care how they engage rashly in the present quarrel; and they, if there are any such, who are really our friends, will be encouraged to stand by us, and perhaps to join in forcing Spain to do us justice. There is indeed one, and but one, way by which the intention of the present motion can be defeated, and that is, by a weak pusillanimous management of the war. But parliament, Sir, may enquire into mismanagements; if there shall be any in this war, they cannot be imputed to fortune but to choice or ignorance, and whatever the event may be, it cannot be more ruinous than that of our negotiations. No peace, Sir, to which this is a preliminary, can be bad; and no peace, by which it is given up, or left even doubtful, can be good. This, Sir, is our all, it is worthy the care of a British parliament, and a British parliament, Sir, has a right to advise his majesty, and to direct and controul a ministry, at least to punish them, if they should injure their country.

I have but one thing more, Sir, to add, which is, that our agreeing to the motion I have in my hand will be very much to the honour of his majesty, who, we are all sensible, will never put the advice of a minister into the balance with that of a parliament. Our agreeing to this motion, Sir, will prove that his majesty is not, as former kings have been, under any influence of his ministry, since parliament has now thought fit to interpose, and to take the management of this great affair, in some measure, out of the hands of the ministry.

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Give me leave, Sir, only to add one thing more: the motion I am now to make is built upon the very words of his majesty's Speech the first day of the session. In the very first sentence of that Speech, we have his majesty telling us that he has called us together sooner than has been usual of late years, that he might have the immediate advice and assistance of his parliament at this critical and important juncture. It is our duty, Sir, to render our advice to the crown upon this declaration from the throne, and if any gentleman can think of any advice of greater importance than the motion I have in my hand, I shall readily agree to it. The motion I have to make, Sir, is, "That an humble Address be presented to his majesty, as a dutiful return to his gracious desire of the Advice of his parliament at this critical and important juncture; and as a farther testimony of our firm resolution vigorously to support his majesty in the prosecution of the war against Spain, humbly to beseech his majesty never to admit of any treaty of peace with that crown, unless the acknowledgment of our natural and indubitable Right to navigate in the American Seas, to and from any part of his majesty's dominions, without being seized, searched, visited, or stopped, under any pretence whatsoever, shall have been first obtained as a preliminary thereto."

Sir *Robert Walpole*:

Sir; if the hon. gentleman knew with what indifference the motion which he has taken so much pains to introduce, has been heard on this side of the House; if he knew with what willingness it will be agreed to, I believe by all present, he would not have given himself the trouble to recommend it so strongly as he has done. The hon. gentleman's speech, Sir, wants nothing of an impeachment but the necessary forms; it has all the air of one, and, were the House convinced of the truth and justice of the facts he has advanced, it might, for ought I know, have all the effect.

I will not affect, Sir, to say that I am unconcerned in the charge the hon. gentleman has thrown out; I know, Sir, that it is levelled at me, and that it is designed to render me unpopular. The hon. gentleman, at the same time, knows that this is a motion against which nothing can be objected, and that its coming from that quarter will give it an air as if it was a thing disagreeable to the ministry, but that they were forced to let it pass, because they could not tell how to oppose it. And thus the party will have a fair opportunity of magnifying their own zeal without doors for the interests of the nation, and of boasting how artfully they have ensnared the minister. Had the minister, Sir, as much power and influence in this House, and as strong inclinations to a bad use of that power, as the hon. gentleman and his friends suppose him to have, the tendency of this motion, Sir, would be a sufficient inducement to him to throw it out, But attacks of that kind, Sir, are no new thing to me; and the hon. gentleman is mistaken if he imagines that I feel any pain from his motion. No, Sir, the attempt is rather to be despised than dreaded. There is nothing to be inferred from it but that the hon. gentleman and his friends have a mind to take a little diversion, and have singled me out as the deer for the sport of the day. But they may find, Sir, that I am not so easily hunted down as they imagine. I have lived long enough in the world, Sir, to know, that the safety of a minister lies in his having the approbation of this House. Former ministers, Sir, neglected this, and therefore they fell; I have always made it my first study to obtain it, and therefore I hope to stand.

Having said thus much, Sir, which I could not avoid saying, considering the tendency of the hon. gentleman's speech, I shall now spend a little time in exposing the arguments he made use of to introduce his motion. For though I am not at all against the motion, yet the reasons upon which the hon. gentleman has founded it appear to me very insufficient. In the first place, Sir, he took great pains to magnify the importance of his motion. For my own part, Sir, I do not think that it is of the least consequence whether we agree to it or not. My reason for saying so, Sir, is because there is nothing in this motion which has not in effect been in every Address you have made upon this subject, and in every Answer his majesty has given to these Addresses. In the resolutions you came to immediately after the merchants had been examined at the bar of this House, the British right of a free navigation to and from our own colonies is as strongly asserted as words could express it. In his majesty's Answer to your Address on that occasion, he expressly gives you the very Answer which we may expect to have upon this Address. This

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is the substance of that Address, and this our negociators have in all their conduct with the court of Spain had principally in view. Give me leave, Sir, to ask of the hon. gentleman, or any of his friends, why we are now at war? Is it not because the Spaniards have presumed to set up a claim that we will not admit? Is it not because we apprehend that their searching our ships is contrary to treaty, and that the losses our merchants have sustained have been injurious to the honour as well as interest of this country? Has any single thing been advanced by the hon. gentleman, as it relates to this motion, which is not already said in the very declaration of war which his friends have been often heard to approve of? Is one sentence of all he has said, that is not in the declaration of war, any thing to the present purpose?

The hon. gentleman, Sir, took great pains to prove that in the time of Charles the 2nd, the Spaniards were very ill treated by our court; for that, Sir, is the sum of all he has said upon that head. I hope, Sir, we shall neither follow the maxims, nor imitate the practices of that reign. There was, Sir, at the time which the hon. gentleman mentioned, a perpetual juggle betwixt the court here and their governors abroad; the one played to the other's hand, and the whole was no other than a mean combination to support and maintain a crew of pirates. The hon. gentleman is mistaken if he thinks that the differences betwixt the two courts in that reign proceeded upon the same grounds they do now. At that time, Sir, our pirates, actually in time of peace, invaded and plundered the Spanish settlements; and that court very justly endeavoured to suppress them. At present, our differences are founded upon a right which we claim of sailing as near their coasts as we please, without being liable to be stopped or searched. Give me leave to say, Sir, that the hon. gentleman will never be able to produce one instance before the present reign of any complaint that ever was made on the part of Great Britain, because the Spaniards stopped and searched our ships on their coasts; and I will venture to say farther, that had it not been that the Spaniards made a bad use of that power, by confiscating those that were not concerned in an illicit trade, we never should have heard it questioned. All that can be said, Sir, is that the danger of their confiscating without cause, is greater than the injustice of denying them a right to search when they have suspicions of an illicit trade. The resolutions, Sir, which both Houses have already come to, go farther; there we see that not only to confiscate our ships is against treaties, and against the law of nations, but even to stop and search them, be the grounds of suspicion that they are carrying on an illicit trade ever so strong. Therefore, Sir, the point of time from which our government was to begin their endeavours to bring Spain to renounce that claim, is, after it was proved to the satisfaction of this House that she had made a bad use of that right which she pretended to have. Sir, I will be bold to say that this has been as much the care of our ministry since that time commenced, as it was possible in the circumstances we were in, by not having any other power in Europe to support us in our demands, though for the security of their trade they were equally interested with us, to insist upon such a renunciation.

The hon. gentleman himself mentioned a strong proof of what I advance, in the letter transmitted from our court to Mr. Keene, to be given in by him as an answer to the letter of M. de la Quadra. The hon. gentleman endeavoured, indeed, to give a very odd turn to that letter. How comes it, said he, that this claim of the Spaniards, after it was so absolutely denied by our minister, was afterwards by the same minister admitted at the signing of the Convention? Sir, I peremptorily assert it was not admitted of by the Convention: by the Convention, indeed, we referred to plenipotentiaries to decide the rights of our navigation as settled by all the treaties subsisting betwixt us and Spain; and we acted very wisely in so doing; but by the Convention we did not give up one right which we had claimed before, or have claimed since. Nay, Sir, it evidently appears that it never was the intention of the ministry to do so; because as soon as the plenipotentiaries had met, our minister demanded, in the strongest terms, the very thing which is contained in this motion. By his declaration then made, he insisted not upon the affair of the South Sea, but upon this great point which the hon. gentleman has magnified so much. Thus, Sir, we see that the government has been beforehand with the hon. gentleman in his zeal for the commerce and navigation of this country; and that they have done the very thing which by this motion is only proposed to be done.

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What effect, Sir, had this declaration? I will tell you, Sir: the Spanish court would not hear of a renunciation, and the consequence was, our minister, according to his orders, left that court. And upon this, Sir, the best, the most justifiable, and the wisest measure that remained to be taken, was taken: an edict was issued to permit the subjects of Great Britain to make reprisals upon the enemy. The Spaniards, on the other hand, publish a like edict; they fill all the courts of Europe with their complaints and manifestoes. The two principal points on which they insist are; first, that we have no right to carry on an illicit trade upon their coasts without being subject to be visited and searched; secondly, that the divisions and animosities in this country are so great that it is next to impossible that matters could be made up without a war. The court of Spain, Sir, seems to think that the faction here gives law to the government, and that it would therefore be in vain to treat any longer, because they are resolved to force his majesty into a war at all events, even though their own terms were granted. I am sorry, Sir, that any number of British subjects should, by their behaviour, give foreign courts reason for entertaining such thoughts. But, Sir, the enemies of the country may be deceived in the hopes which they build upon our divisions; they imagine, it seems, that if a war were entered into, those gentlemen who are so loud in their cries for it, would be the first to distress his majesty by opposing the necessary supplies for carrying it on.

This, Sir, is the sum of our enemies hopes, and this is the plain and genuine language of their manifestos and declarations; and, Sir, give me leave to say, that, judging by appearances, we cannot at all blame them. The writings and papers on the side of the opposition have represented that party as the only considerable men for riches, probity, and numbers, through the whole country; and strangers who have no opportunity of knowing any thing of our affairs but from these writings, must think the same. It is no wonder, therefore, Sir, that the Spaniards have been obstinate in their refusal to do us justice. This the hon. gentleman may thank his friends for; and, indeed, what nation upon earth would fear to go to war with a people whose government bears daily insults, and whose prince meets with daily provocations? Such indeed is the tenderness of the laws, and such the clemency of the sovereign, that the one is overlooked, and the other pardoned. But foreigners, Sir, who live under arbitrary governments, and who do not know what liberty the subject enjoys here, put another construction upon this conduct; they mistake such lenity for weakness. But, Sir, this is a mistake; for the government here is not weak. I do not speak of its strength in the number of troops, or the greatness of its revenues; these are now no part of the question; I mean with regard to the friends of the administration, as to their natural interest in the country. Sir, I will venture to say, setting aside all considerations of posts, places, and pensions, which have been so much cried out against, that the natural interest of the friends of this administration is greater than that of their enemies.

But, Sir, were one to give entire credit to what is advanced by the hon. gentleman and his party (not to mention the writers of the faction) he must believe that the friends of the present government of Great Britain are not only inconsiderable in their numbers, but likewise despicable in their abilities: that they consist of the most notorious fools in the whole kingdom, who neither know how to make peace nor war; a phrase that has come lately very much in fashion.

This, Sir, was what the hon. gentleman meant when he said, that this nation has had often melancholy proofs how much our neighbours are our superiors in the cabinet. Yes, Sir, the proofs are melancholy indeed, witness the effects of the treaty of Utrecht; a treaty, Sir, that has been the source of all the divisions and distractions in Europe ever since; a treaty that has laid the foundation of the French greatness, which the hon. gentleman and his friends affect now to tremble at. Will the hon. gentleman, Sir, defend this treaty? Will he say, it is a good one? I believe he cannot produce ten men in the country that are of his opinion. Will he own it is a bad one? Will he own that it gave up all the honour, all the advantages that we had a right to expect from a glorious and a successful war? Will he fairly and honestly own all this? Let me then ask him who were the authors of that treaty? Who were then in the administration? Who then possessed those posts that are now so much coveted by the opposition? Let the hon. gentleman answer this, and I will undertake to answer for every article, for every single clause of every

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treaty that has been made for these twenty years past, which the hon. gentleman has found so much fault with. I will answer for it, Sir, at any bar, in any manner, and under any penalty that the hon. gentleman and his party shall propose.

Has this nation ever since seemed to be divided from her best and most natural allies? The treaty of Utrecht laid the foundation of these differences. It was this treaty, Sir, that gave rise to those dissensions which the makers and abetters of it have since endeavoured to improve to the ruin of this nation. If France has attained such a degree of power as puts her again in a condition to disturb the peace of Europe, is it not to be imputed to that treaty? Thus, Sir, gentlemen who once were ministers, and who, by a series of blunders, have laid their successors under a necessity of retrieving them by measures which perhaps they would willingly avoid, did not the misconduct of their predecessors lay constraints upon them, are the first to call out for justice upon the succeeding ministry, though they cannot be ignorant that every step that these gentlemen have taken was in order to rectify the errors which the former had committed.

The hon. gentleman says that we have been outwitted by the powers with whom we have negotiated. There is nothing so easy, Sir, as general charges; nothing so true, Sir, as the old maxim, 'Throw out your calumnies with assurance, and some of them will find credit.' I could say twenty times as much, Sir, were I to run into general terms in favour of the ministry, or, if the hon. gentleman will have it so, in favour of myself; I could then be as lavish of panegyric as the hon. gentleman is of censure. Outwitted, Sir! give me leave to ask, how or when we have been outwitted? Have we given up any one branch of our commerce to our neighbours? Have we made any one treaty that so much as seems to take away the smallest advantage we enjoyed by former stipulations? I will venture to say, that the trade of Great Britain is at this instant more flourishing, her ships more numerous, and her navigation better protected, than ever was known in former ages. Are these, Sir, symptoms of a weak administration? Are these proofs that we have been outwitted?

And here, Sir, I will once for all join issue with the hon. gentleman who, with his friends, are perpetually expatiating upon that exhausted subject of inconsistent negotiations, and dishonourable treaties. What treaties, Sir, or what negotiations have either been dishonourable or inconsistent for these 20 years past? I know the hon. gentleman and his friends are ready to answer, the treaty of Hanover. By that treaty, says he, you deserted your natural allies; you aggrandized the power of France, and you rendered all the rest of Europe jealous of you. No, Sir, our allies deserted us; the German court formed alliances, and entered into schemes that must have been fatal not only to the trade, but to the liberties of this country. Such schemes as I tremble at the remembrance of; which, if not timely discovered by the vigilance of his late majesty and the administration, must have forced the pretender upon us. But, Sir, if our natural allies treated us in this perfidious manner, what were we to do? Were we not to preserve ourselves in the best manner we could? Accordingly, a favourable opportunity offered, and we seized it; a disgust given to the court of Spain by the French, threw her into the arms of the emperor of Germany. Thus, Sir, the interests of France and Spain were divided; those of Spain and Germany were connected. Were we, Sir, to stand single? Were we to suffer France to enter into the alliance, and then to make it triple, exclusive of us? No, we joined with France, and we did wisely; because we were sure that while this system that was formed by the German and Spanish courts continued, it was the interest of France to be faithful to us; for she, Sir, had a great deal more to apprehend from the first treaty of Vienna than we had. Thus, Sir, the treaty of Hanover was the best and wisest step that could be taken at that juncture, and the vigorous preparations which we made in order to support it, broke all the destructive schemes of the German and Spanish courts. But it is asked, Why did we not support the emperor of Germany when he was so distressed by France? Why did we not lay hold on that opportunity to reduce the French power? Sir, I think we acted very wisely in not interposing in that quarrel at all. In the first place, the balance of Europe was not in danger, whatever the event of that war had been. If there were any grounds for the least apprehension, Sir, it was not from the French, but from the German greatness. In the next place, the emperor of Germany had been very ungrateful to

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this nation. It is well known, Sir, what treatment we received from him, even in that noble isle which our arms conquered for him. It is well known how strenuously he persisted in the scheme of the Ostend trade, which must have given a fatal blow to the most valuable branches of our commerce. These, Sir, are so many proofs of German gratitude for all the benefits which this country has conferred upon that. And, Sir, in the last place, by our neutrality at that juncture, we reaped the sweets of an unrivalled, uninterrupted commerce for several years; a consideration, Sir, that, of all others, ought most to influence the conduct of a trading people; a consideration, Sir, that, give me leave to say it, was singly sufficient to justify our conduct.

But say the hon. gentlemen on the other side, why did we enter into so many negotiations, preliminaries, and conventions afterwards? I answer, Sir, in one word, that we did not enter into any by which the nation suffered, and those we did enter into, were in order to preserve the benefits of a flourishing commerce. With this view, Sir, it was that his majesty thought fit to conclude the treaty of Seville; a treaty which, though it was not attended with all the good effects that we could desire, yet was still infinitely preferable to a war, notwithstanding the clamours raised about this treaty, as if the interests of our merchants had been entirely given up by it, and as if it had laid the foundation for all the disputes that have since happened with Spain.

As to the conduct of Spain with regard to our merchants, I own it will admit of no defence; but nothing is more unreasonable than to impute it, or any neglect of their interests, to the ministry, whose care in this treaty was very evident; for it contained a foundation not for further disputes, but for putting an end to our differences. If the Spaniards hindered the good effects of it by breach of faith, I am afraid they were too much encouraged by the dispositions which they observed to prevail among a certain party here. It was with a view of avoiding, if possible, a ruinous war, that the negotiations of the commissaries on both sides, in consequence of this treaty of Seville, were continued so long. And give me leave to say, Sir, that however some private persons might suffer, with whatever reason they might call out for justice upon Spain, yet our pacific forbearance was the safest and the wisest conduct for the general interest of a trading people.

I have lived, Sir, long enough in the world to see the effects of war on this nation; I have seen how destructive the effects, even of a successful war, have been; and shall I, who have seen this, when I am admitted to the honour to bear a share in his majesty's councils, advise him to enter upon a war while peace may be had? No, Sir, I am proud to own it, that I always have been, and always shall be, an advocate for peace. I would act the same part over again that I have already acted. I would give the same advice to his majesty, I would make the same opposition in this House that I have ever done, to those who delight in bloodshed and confusion, and who can be happy only in the misery of their country.

But, Sir, when it was found that our commerce was no longer to be preserved but by a war, when the Spaniards by a flagrant breach of faith refused to fulfil the stipulations they had entered into, the same considerations, which had hitherto dictated to me, that peace if possible was to be preserved, then determined me in my acquiescence to the advice of a vigorous war.

I shall trouble the House, Sir, with very little more. The hon. gentleman talked of a secret negotiation that was suspected to be on foot; a suspicion that, I believe, has never entered into any man's breast without doors; for what reason it is mentioned here I leave the hon. gentleman to answer. The hon. gentleman said that parliament may punish a ministry, should it act amiss, and that the advice of a minister ought not to be put in the balance with that of parliament. To all this I readily agree; but, can he, or any gentleman say, that the advice of his majesty's ministry and parliament have ever been inconsistent with one another? Can he pretend that the ministry have disregarded the sense of parliament? It is with a very bad grace that the hon. gentleman and his party pay any compliments to the sense of parliament. They, it is well known, have ever disregarded, have ever opposed the proceedings of this House. They are still calling for questions that this House has not thought proper to pass. They have still been opposing, for near these 50 years past, measures that this House has thought absolutely necessary to the peace and safety of the kingdom. But such is the conduct of those who usurp

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the title of patriots; a term, Sir, in itself venerable, but by the abuse of it now become ridiculous. When they want to magnify the importance of a favourite measure of their own, parliament must be complimented, the importance of the legislature displayed, and the dignity of this House insisted on; but when that very parliament gives the question against them, they are then, with these worthy gentlemen, no better than a packed assembly, and a corrupted majority.

The hon. gentleman has said, that the Address proposed by him is built on the words of his Majesty's Speech. But how? Why, Sir, because his majesty told us in that speech that he had called us together to have our immediate advice and assistance. Does not his majesty call us together every year for the same purpose, though our advice and assistance happens to be now more immediately necessary than usual? but when his majesty expressed himself so, I believe he imagined we were only to advise him, not to prescribe to him. However, as his majesty has so great a regard for this House, as to take in good part our advice in whatever manner it is communicated; as there is nothing in this motion that has not been over and over again repeated, both in our former addresses and his majesty's answers; I will so far disappoint the hon. gentleman who made the motion, as not to oppose it.

Mr. *Pulteney:*

Sir; the air of ridicule and contempt, with which the right hon. gentleman has treated this motion, when he had nothing to object to it, and the reflections he has thrown out against a gentleman esteemed and beloved by every man in the country but himself and his dependants, call upon me to say something in defence of both. The modesty with which my hon. friend introduced the motion he has made, and the strong arguments he advanced to support it, might, I think, have induced the right hon. gentleman to have spared himself the trouble of an answer, and saved me that of a reply; but since the one has made the other little less than necessary, if any thing disagreeable to him shall fall from me, he must impute it to the manner in which he has treated his opponents, the most honest and wisest men in the British empire.

It was very remarkable, Sir, in the beginning of his speech, that he affected to talk of this motion with the utmost indifference; he owned there was nothing in it that was not perfectly agreeable to the former sense of this House, and yet he seemed to think it was intended as an impeachment. I hope that word does not haunt the right hon. gentleman; I admit it has been very terrible to bad ministers in former times, who have thought themselves as well secured in their power as the right hon. gentleman thinks himself in his; but I hope, Sir, he will have no occasion to dread their fate, if he does not tread in their steps. It appears, indeed, very suspicious to me, Sir, that the right hon. gentleman should be thus dissatisfied with a motion to which he can object nothing, a motion which I am sure every man in the kingdom will applaud, as proposing the only means to secure the interests of this nation from being again negotiated away; it is very strange that the right hon. gentleman should look upon such a motion as an impeachment of his conduct.

The right hon. gentleman, Sir, says that this question, though he owns that nothing can be objected to it, is designed to render him unpopular. Really, Sir, I am sorry to say that I am afraid he has very little popularity to lose. But if the question can affect him in its consequences without doors, it must tend to give him a little popularity, should a matter so much for the credit and interest of the country be proposed and pass in this House, without being thrown out by his influence. It is, indeed, somewhat very unusual, but the hon. gentleman has himself very well accounted why it should be so; he is forced to let it pass because he does not know how to oppose it. Had I, says he, that power and influence in this House, and those inclinations to make a bad use of them that are imputed to me, I should throw this motion out. No, Sir, I have more regard for the character of the right hon. gentleman's friends, than to suppose that his influence with them is so strong as to make them throw out a motion so unexceptionable, so parliamentary and so agreeable to the intentions of his majesty and the legislature as the right hon. gentleman has allowed this to be, and that too, without debating it; for debate it can admit of none.

But the right hon. gentleman has not yet done with his compliments to this House. He has told you, Sir, that he perceives himself to be the deer singled out for the sport of the day. I do indeed think that this is a comparison a little too ludi-

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crous for the dignity of this assembly, but since the hon. gentleman has introduced one simile of the low kind, give me leave to attempt to give you another. The right hon. gentleman has for twenty years past jockeyed the nation, and it is now time to unsaddle him. I submit it to the House, Sir, if this is not a more proper comparison than his. 'He will not be so easily hunted down.' Really, Sir, I don't know if the game is worth the pains, were it not for the diversion that the chace might afford.

His great strength, it seems, lies in his having the approbation of this House to all his measures; in that consists his safety, and from that arises his confidence. But, Sir, will the approbation of parliament atone for the ruin of the nation? Is parliament infallible, or has it been unanimous in its approbation? Have those who have no dependance upon you, who have nothing to hope or to fear from you, approved of your conduct? Has the voice of the people, a people oppressed and insulted, but yet unenslaved, given the last great sanction to the suffrages of parliament? Is it impossible, Sir, for a succeeding parliament to have another opinion of those measures which now seem to be approved? He says that former ministers fell, because they had not the approbation of this House. Sir, I can name ministers whose measures were far more generally approved in this House, than those which now plead that approbation, and yet this House has afterwards thought those very measures worthy of an impeachment. He knows this, Sir; he himself had a large share of the management of an impeachment against a very great minister, who had the approbation of this House for what he did. But, Sir, if the right hon. person's conduct were to be canvassed by this House, I am afraid that the first article that would fall under our consideration would be, by what means such approbation was obtained.

The right hon. gentleman, Sir, has through the whole of his speech evidently affected to depreciate the importance of my worthy friend's motion, and applauds his own happy talent at reply, when he tells us that there is in this motion nothing new, nothing that was not contained in former addresses and resolutions of this House.

But may it not be asked, if this is so weak, so trifling, so insignificant a motion, why it should give the right hon. person so visible an uneasiness? Why should he take so much pains to vilify, to ridicule, to discourage it? Sir, it is plain to me that this motion is of the utmost importance, and were I in doubt about the benefits of it, the manner in which he has treated it would be sufficient to convince me that it will promote the honour of the nation. But indeed, Sir, the importance of the motion speaks for itself. We have been four or five times upon the brink of being negotiated out of all our rights by ministers, who did not understand what they were negotiating about. We have seen the plainest, the most obvious sense of treaties wrested to the ruin and loss of the most valuable branches of our trade. Did we not see attempts made by the right hon. gentleman and his friends, to explain away the meaning of the resolutions which parliament came to, about two sessions ago? Did we not see the same attempt on occasion of the Convention? When that treaty came to be considered here, and when it was objected that it could not be a good one, because it was inconsistent with the Resolutions of both Houses, was it not answered that these Resolutions were never meant to restrain the ministry from making a treaty with Spain, before she had absolutely renounced all claim and pretensions to a right of searching our vessels? Sir, if these Resolutions were explained in that manner, have we not very good reason for suspecting that the subsequent addresses and acts of parliament may be explained in favour of any dishonourable peace that the ministry shall make? May not the declaration of war itself be taught to patronise cowardice, and implore peace?

But this motion seems so drawn up as to defy the utmost effort of ministerial subtilty, this will admit of no construction unworthy of the British parliament. This, Sir, is all that is intended by the motion, and this, I believe, is the chief reason of the uneasiness it produces.

We are asked, Why are we now at war with Spain? And informed, that it is because they have refused to grant us the claim mentioned in this very motion. Give me leave to say, Sir, that there are other reasons why we are now at war with Spain, and had it not been for these other reasons, this, I believe, would never have been mentioned. The chief reason is the breach of the Convention; that Convention which does so much honour to our immortal negotiators: had not the Spaniards by the breach of that Convention, broke

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all the measures of our ministry, we should probably have seen a peace concluded without any stipulation of a free passage through the American seas. But the Spaniards, instead of making us the least concession, were determined to carry their arrogance to the utmost height, and to add one insult to another, in hopes that the same meanness of spirit which admitted the Convention, would suffer the violation of it. This, Sir, is the chief reason, whatever may be urged to the contrary by the ministerial advocates for the war we are engaged in, unless it can be proved to the House that the convention contained a positive stipulation, that the demand, required by this motion to be a preliminary of any future treaty with Spain, should be a preliminary of the succeeding negociations. But that, I believe, will not be attempted.

This being rightly considered, Sir, all that the right hon. person has said about the zeal of himself and his friends in breaking off the negotiations because the terms contained in this motion were not complied with, falls to the ground: for the convention was actually broken before Mr. Keene presented his last memorial to the court of Spain. It was broken by the Spaniards refusing to pay the 95,000*l*.

This, Sir, I remember very well, was the sense of another assembly, where the convention was looked upon no longer to exist; and this the very words of Mr. Keene's memorial, as represented to us, plainly express. He there tells the court of Spain, that she was not only to execute the engagements she had entered into by the convention, but to comply with other demands. Now, Sir, the question is, Whether if that court had, without farther delay, fulfilled those engagements, we should have heard any thing of those farther demands. I am afraid we should not, Sir. The very nature of the convention forbids our insisting upon, as a preliminary, the renunciation demanded, with regard to searching our ships. We see by the first Article, Sir, that this was to be regulated by plenipotentiaries, who were to examine into treaties, and to determine this important affair. Whoever considers this, Sir, will find that we really had no right (if we suppose that the convention had any validity) to insist upon making that a preliminary, which was actually the thing in dispute. So that, Sir, either the convention was of no weight, or this demand upon the Spaniards to make a renunciation of their claim to search our ships, a preliminary, was not the thing which broke up the conferences. If the money had been paid, the Spaniards had a right to proceed in the treaty, and the plenipotentiaries a power to conclude it.

From this consideration gentlemen may see what a precipice this nation has escaped, and discover the importance of the present motion for guarding us against the like danger in time to come. I shall therefore now beg leave to make a few farther observations. Great pains have been taken, Sir, to represent the court of England in Charles 2's time, as guilty of very great injustice in their proceedings with the Spaniards in America. I shall be far from justifying all the maxims or practices of that reign; yet I wish, Sir, that in some following reigns the same spirit, corrupt and unjust as it was in some parts of its conduct, had been imitated, for preserving our interest in America. We do not read, Sir, of idle memorials being presented at that time from our ministers to those of Spain; we do not read that the Spaniards ever dared to insult us without suffering for it; and give me leave to say, Sir, that I cannot discover, from our histories of these transactions, that our court was chargeable with so much injustice as the hon. gentleman represents. The court of Spain once, indeed, gave orders for dispossessing us of a settlement which we apprehended we had a right to by the treaty of the 22d of Charles 2, and we were in reality dispossessed; we soon retook it, and perhaps thought it necessary to punish their presumption with exemplary resentment; but how was that against the principles of justice? They likewise ordered our ships concerned in the Logwood trade to be seized; we justly contended that we had a right by the same treaty to that trade; and if we made reprisals beyond the value of the loss, was there any thing in this proceeding repugnant to the law of nations? No, Sir; if we had acted still in the same manner, if the first injury had been warmly resented, we should never have heard of their claim to a right of searching our ships, nor have been engaged in the present war.

The right hon. gentleman mentioned the letter transmitted from Mr. Keene to M. de la Quadra, and endeavoured to reconcile that letter with the convention. Sir, the very words of the letter itself when compared with those of the convention, will be sufficient to clear up that point.

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Mr. Keene affirms in that letter that the Spanish claim of searching was never heard of by any king of England, and would never be admitted by his present majesty. The convention on the other hand expressly admits this claim to be discussed by the plenipotentiaries before the definitive treaty should be made: Now how reconcileable these two are to one another, I leave the House to judge. As to the farther demand made by our minister, I have already sufficiently discussed it, nor shall I trouble the House with any thing more on that subject.

With regard to the conduct of our court upon the breaking up of the conferences, I think it had been far more prudent in the right hon. gentleman not to have mentioned it at all; for it evidently condemns all that we had been doing for 10 or 12 years before. If the right hon. person had any hand in the vigorous measures then taken, I congratulate him on the change of his opinion, but I think at the same time, that by defending and apologizing for the measures that preceded the edict for reprisals, he gives a very strong proof that he had very little share in those councils. Give me leave to say, Sir, that all the merit of the declaration of war, of our entering into wise and vigorous measures, is to be ascribed to his majesty himself, whom it was impossible to amuse any longer with formal declarations, and empty assurances. I dare say the right hon. gentleman will not pretend to arrogate any part of the praise to himself.

It has, Sir, been more than hinted, that the gentlemen in the opposition had by their conduct encouraged Spain to treat us with the insolence and injustice so much complained of. Indeed, Sir, I own I never had a bad opinion of the opposition, but I never knew the good effects of it so well as now; for it was, it seems, by means of our opposition that the country has been driven into this war, and I will maintain, that, had she continued to be misled with pacific plans she had been irrecoverably ruined. But pray, Sir, were there no former instances of Spanish insolence, even as great as their refusing to pay the 95,000*l*.? Did they never rob and plunder us while it was not so much as pretended that the opposition interposed? I agree, Sir, with the right hon. gentleman, that the war had its rise from the conduct of the opposition, but differ with him when he attributes the insolence of the Spaniards to the same cause. That, Sir, we must attribute to the pusillanimity of our councils, and to nothing else. If a just regard had been shown to the opinion of the gentlemen who have the honour to be in the opposition, more vigorous measures would have been taken long ago; and the nation would thereby have escaped all the infamy she has incurred, all the loss sustained from the mean scandalous concessions made on every occasion. The right hon. gentleman, Sir, not satisfied with charging the opposition with encouraging the insolence of Spain, has ventured to insinuate that the gentlemen engaged in it would take an opportunity to distress his majesty's arms by opposing the supplies necessary for carrying on the war. Sir, I do not believe that there is one gentleman in the opposition, who does not detest the very thought of such a procedure. There may, perhaps, be gentlemen in another interest, who would be very glad of any pretence, from the conduct of the opposition, to excuse the slowness and inefficacy of our arms: but, Sir, I will take it upon me to declare, that they shall have no such excuse.

The numbers, Sir, of whom the right hon. gentleman was pleased to boast, as concurring with his measures, I must confess, with sorrow, are indeed too great, though with regard to the figure they would make, if divested of what they enjoy through his favour, I will be bold to say that it would not be very considerable. When was there any question that concerned him, since he came to the head of the administration, carried otherwise than by a majority of those who had an immediate dependence upon his smiles, and owed part of their fortunes to his favour? I would willingly avoid all personal reflections, notwithstanding the right hon. gentleman's aggravations, and shall therefore put the merits of his ministry upon this single fact, Whether in the questions that relate to himself, the majority in his favour have not posts, places, and pensions under the crown? And I desire no farther satisfaction than a plain and positive answer.

I come now, Sir, to consider a little the encomium which the right hon. gentleman has made on his own administration. In the first place, Sir, I think he did not pretend to justify all the treaties and engagements we have entered into during these 20 years last past, except by saying, that if there were any inconsistencies in them, they were occasioned by the treaty of

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Utrecht; and here he took an opportunity to enlarge on his darling topic, and reproach the ministry who made that treaty; a treaty, which indeed I shall be far from vindicating. But how did that treaty affect the treaty of Hanover? Or how could it lay the foundation of those differences which divided us then from our best allies, and which we have never yet been able to reconcile? Was the treaty of Utrecht the reason, Sir, why we entertained the ridiculous panic which prevailed upon us to conclude that of Hanover? Did it dictate the suggestion of a secret treaty betwixt the emperor of Germany and the Spanish monarch in favour of the Pretender? A design not only suspected and whispered, but solemnly declared from a place which ought to be the fountain of truth, and strongly maintained in both Houses. Can the right hon. gentleman say, Sir, that the event justified the declaration? Or that there afterwards appeared the least foundation for it? Can he pretend that the treaty of Hanover was a measure calculated for confirming allies in our interests? The northern monarch, Sir, who was an original party in it, took the first opportunity of deserting it; and such of our allies, as were not original parties, were bought into it at a vast expence; an expence that might have been complained of as unnecessary, had it purchased security, but certainly to be justly censured as it procured nothing but contempt. The Dutch did not accede to it till eleven months after it was concluded at Hanover, and then with very large restrictions. The crown and kingdom of Sweden were bribed into it at the price of 50,000*l.* a year for three years. The king of Denmark had a large subsidy paid him for four years. The landgrave of Hesse Cassel received upwards of 1,500,000*l.* of our money for keeping up a body of troops which was not of the least service to us; and the duke of Wolfenbuttle had 25,000*l.* allowed him for four years, as the price of his important accession.

Now, Sir, let gentlemen consider how much this important treaty, which the right hon. person has attempted to defend, cost the country, and then let them determine if it is probable, or indeed possible, that a treaty made for the common interest of Europe, could have cost us so much in procuring allies to it. I believe it will be found, Sir, that there is no necessity of bribing any people into a measure that is for their own advantage.

The right hon. gentleman likewise mentioned the vigorous preparations made in order to disappoint the ambitious designs of the German and Spanish courts. I remember very well, Sir, that at that time we did, indeed, send out three fleets, but I think the event very fully proved, that we might have spared ourselves the trouble and the expence. For when one of our fleets was sent to the coasts of Spain, in order to prevent the execution of an attempt designed, as was suspected, by these two courts in favour of the Pretender, it was plainly proved in this House from the letters of the admiral who commanded that fleet, that the Spaniards so little dreamt of any hostilities, that when he came upon their coasts, all the troops they could bring together did not amount to 3,000 men, and these very ill provided, and in a very bad condition. Nor, did the nation ever receive the least proof of any secret treaty that was made by Spain and the emperor of Germany, though it was merely on a presumption that such a treaty existed, that this fleet was sent out. Nay, a little time after, our ministers themselves owned that this treaty was only suspected, and that they had no proof of any such design. Another of our fleets, Sir, was sent to the northern seas, to prevent the projects of the court of Muscovy from taking effect, and to hinder that princess from dethroning the Swedish monarch. But it is very remarkable that the Muscovites and the Swedes had, before this fleet arrived on their coasts, concluded a peace. Thus it is plain that this fleet was not of the least service to the country. It is with some reluctance, Sir, that I mention the intent of the third fleet, which was under the command of admiral Hosier, because it awakens to the memory of the House the fate of that unfortunate commander, and of the brave men who were suffered to perish at sea, and pined away for want of orders to do justice either to themselves or their country. The pretence for sending it out, was the protecting the trade of his majesty's subjects to America, and to prevent the return of the Plate ships to Spain. But were either of those ends answered? No, Sir, the Spaniards went on plundering our merchants in those parts, while our fleet lay ineffectually before their harbours, till almost all our seamen, and three of our captains, died ingloriously without an enemy. We might have easily taken their fleet, but when Hosier's instructions were examined in this House, it was found

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that he was not sent to fight but to persuade. And what is still more extraordinary, Sir, the said Plate ships, most richly laden, were suffered to escape under the very sterns of our ships, which were then lying on the Spanish coasts, under the command of an hon. gentleman, who sits by me, who, I believe, nobody doubts, would have very willingly performed any service in which he could have been warranted by his instructions.

The Spaniards also were suffered to carry provisions and military stores to their army before Gibraltar. After that siege was begun, Sir, did we receive the least assistance from our new allies? No, not one of them so much as offered to arm in our quarrel; they considered the blocking up the galleons in the American harbours, as the first act of hostility, and consequently judged us to be the aggressors; upon which presumption they concluded themselves free from all obligations to assist us, because their alliance with us was only defensive. In the mean time, we tamely suffered that siege to be regularly carried on by the Spaniards, and trusted to the bravery of the garrison, without endeavouring with our fleet to bombard one of their towns, in order to make a diversion: and thanks to the valour of our troops, they bravely repelled the besiegers, else we might have seen that important place now in the hands of our enemies, notwithstanding both the strength of our fleet, and the friendship of our allies.

Such, Sir, are the triumphs which this remarkable period of the right hon. gentleman's administration has afforded, and such the subject of the laboured panegyric he has made on his own conduct. If I have not kept to the motion now before the House, I hope gentlemen will excuse me, as I was forced into the digression by the necessity of following the right hon. gentleman. But, continued he, during all this time we enjoyed the benefits of an uninterrupted commerce. How uninterrupted our commerce was, Sir, the suffering merchants, whose claims were given in to our commissaries appointed by the treaty of Seville, can witness; and I should be glad to know the benefits and felicity that attend commerce, wherein every ship we sent out to our own colonies was in danger of being taken and plundered by our enemies!

We have had lately so much of the Convention, that I shall not trouble the House with any remarks upon what the right hon. gentleman has said about the Treaty of Seville, and the rather because he touched upon it in such a manner as if he were inclined to give it up. But I cannot so easily pass over his distinction betwixt private and public losses. I conceive, Sir, that many private losses, and many must be owned to have been sustained, amount to a public, a general loss. When several private persons suffer by carrying on any branch of trade, as was the case with our West Indian merchants, it discourages others from carrying it on, and that branch must of course fall to decay.

I shall join, Sir, in any encomium that can be made upon the benefits of peace to a trading nation. I am sensible how carefully we ought to avoid war, if peace can be had upon safe and honourable terms. But, Sir, if the terms upon which it is preserved are destructive of trade, the very same reasons that ought to prevail for continuing peace ought to take place in favour of war. We have for many years had a peace more destructive than war itself; a peace, Sir, that has impaired the health and vigour of this nation, only because the proper remedy was disagreeable to the ministry. I believe no man would willingly take nauseous medicines; but if the state of his health absolutely requires them, if he must languish with an irrecoverable consumption, or be cut off by a violent fever, the most nauseous draught will no longer be rejected.

The right hon. gentleman mentioned the last war. I own, Sir, the last war is now very heavy upon this nation; but why? Not because of the expence it then cost us, but because the debt we incurred by that expence has not been paid off. Had a proper economy been observed, had those immense sums been saved that have been expended upon superfluous offices, standing armies, and idle expeditions, the nation had now felt no bad consequence of that war. But, Sir, it is easy for a lavish ministry in time of peace to bring upon the nation all the inconveniencies that attend a war. It is easy, by squandering the public money, to continue the debts of the nation, to perpetuate her imposts, and to increase her taxes. It was not the late war, it was our later management, that has brought the inconveniences upon the country the right hon. gentleman has so quick a sense of. The late war, Sir, was undertaken in defence of the liberties of this nation, and of all Europe; the present war ought to have

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been undertaken long before it was, in defence of our trade and navigation; for if trade and navigation suffer, our liberties must suffer also.

I am sensible, Sir, how much I have said that might have been spared; but my zeal for a motion, upon which so much of the dignity and interest of the crown and the kingdom itself depends, is so great, that I thought it my duty to remove, as much as I could, all pretences for objections. If we are not unanimous in our agreement to it, if there should be the appearance of division, if there should be a debate upon it, I shall willingly agree that my hon. friend shall retract it. For I would much rather see it quite dropt, than not agreed to unanimously. What an encouragement, Sir, would it give to the enemies of this nation, if they should discover there was a party in this country, a party in this House, Sir, so much their avowed friends, as to make any objection to a motion, which proposes the only means left us for obtaining redress of the many injuries and insults offered to this crown and kingdom! I have the satisfaction, Sir, to believe, that none within this House will be so weak or so wicked as to oppose it. The friends of the nation will universally applaud it, and the friends of the minister dare not appear against it. I say they dare not: they dare not, because they would, by so public a desertion of their country, pull down upon their own heads the resentment of the whole nation; of an incensed, injured people. They would open his majesty's eyes, and thereby discover the means by which his honour and the nation's interest have so long suffered. To conclude, let us be unanimous, or let the motion be dropped, and, if it be possible, forgotten.

The question being then put, it was unanimously agreed to. This being over,

Sir *William Wyndham* again rose and said:

Sir; it is so unusual for me to congratulate this House upon carrying any question that comes from me, or any of the gentlemen with whom I have the honour to vote on national points, that I am very much at a loss how to express myself at present. I am the more embarrassed, Sir, on this occasion, as my sentiments of pleasure and gratitude crowd so fast upon me, that my expressions quite sink under them. Pleased as I am, Sir, that this country, this country once so dreaded, once so courted, of late so despised, trampled on, and insulted, has now a near prospect of being in a condition to assert her rights, and revenge her injuries: grateful as I am, Sir, that I have been so happy as to meet with the unanimous concurrence of this House in the motion that draws this agreeable prospect so near, how much should I be wanting to my duty to the country, to this House, and to myself, if I should stop here!—The unanimity we have now expressed, Sir, is enough for this House, but not enough for the honour of his majesty, the country, or the dignity of parliament. We are to go a step farther, before we can acquit ourselves of all we owe to them upon this occasion. This House, Sir, has the glory of having first agreed to the motion; but let us consider, that we are but one House, and nothing but the collective dignity of the whole legislative body can give it its proper weight. The good wishes, the prayers, and the acclamations of the people it will certainly obtain, the encouragement and the thanks of his majesty cannot be doubted: but, Sir, it must have the concurrence and countenance of both Lords and Commons to produce the effects desired in the rest of Europe, to shew foreign courts that negotiations are now at an end, that parliament has again resumed its authority in his majesty's councils, and that they are no longer under the influence of his ministry. Let us, Sir, do our duty on this occasion; let us invite the other House to a share of the glory in presenting this Resolution to his majesty. If they should refuse to join us, which I am far from suspecting, if they should not be so unanimous as we have been, let the censures of the nation and of posterity fall upon them, but let us do our duty. Therefore, Sir, give me leave to move, That this Resolution be communicated to the Lords, and their concurrence desired thereto.

A Conference was accordingly appointed, and the Lords agreed to the said Resolution. The managers for the Commons having returned to their House,

Sir *William Wyndham* reported what what had passed, speaking at the same time to the following effect:

Sir; when we first agreed to this great and important Resolution, I congratulated this House upon its unanimity; now, Sir, I contratulate his Majesty, the parliament, the country, and the ministry, upon the concurrence of the other House. Let our

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ministers, Sir, carry this Resolution to the court of France, that she may know what she is to expect if she should interpose in favour of the enemies of this country, either with her mediation, or her arms. Let them carry it, Sir, to every court in Europe that has not yet declared itself, to let them see, that we are at length roused from our lethargy, and determined to demand and insist upon the most rigid justice. This will teach such of them who are inclined to take the part of our enemies what they may expect, and will convince our friends that our eyes are at last opened to our true interests. It will confirm our friends, and intimidate our enemies.

*Debate in the Commons on the Number of the Land Forces.**] November 28. Mr. Fane reported the Resolution of the Committee of Supply, viz. "That it is the opinion of this Committee, that the Number of effective men to be provided for guards and garrisons, for the year 1740, be (including 2,141 invalids, and 815 men, which the regiment consists of for the service of the Highlands) 28,852 men, commission and non-commission officers included." This Resolution being read,

Mr. *Pulteney* said:

Sir; I do not rise up, on this occasion, as I have often done, to oppose this great number of Land Forces, which by the present Resolution are to be raised for the current service of the year. I am, and ever have been, of opinion that when this country is engaged in an actual war with any of its neighbours, and that too without being supported, or having a prospect of being supported, by any other power, we may have occasion to employ land forces. I shall not at present enter, or propose our entering, into any enquiry, whence it proceeds that we stand in this war unsupported and alone; so as to be obliged to employ a number of land forces, which, if a peace were concluded, would be more than sufficient for effecting the most arbitrary purposes. An enquiry of that kind, Sir, may be proper hereafter; but my duty to my country, and my zeal for the honour and safety of his majesty, dictate to me, that I ought to concur in every measure for providing against the present danger.

An army of 33,742 men, in the heart of this country, under the direction of the government, is so dangerous to the liberties of the people, that nothing but the hopes of speedy satisfaction for the injuries and insults of an haughty enemy could prevail upon us to admit it. Encouraged by this hope, Sir, and relying on the assurances which his majesty has given, that this war shall, in all its branches, be carried on with a vigour suitable to the justice of our cause, I agree to this resolution. But, Sir, the occasion of my standing up now is to put gentlemen in mind, that, as I do not oppose our agreement to so great a number of men, when I think they may be of service to the nation, and when the present juncture renders such a number of men expedient, yet my present assent shall never preclude me from opposing our keeping up the same, or indeed a much fewer, number of land forces, when no such danger threatens, and no such expediency can be shown.

But the danger, that arises to the liberties of the nation, is not the only inconveniency that attends a numerous army. We are at present engaged in an expensive war, and the people groan under an almost intolerable burden of taxes and imposts, in order to defray its expences, and to discharge some part of an immense national debt. The number of land forces, Sir, that we now are to keep on foot, requires, according to the estimates for their maintainance, no less a sum than 1,092,390*l.* This, Sir, is but 107,610*l.* less than what was thought an extravagant appointment to a king of England for defraying all the expences of his family, and all the other charges of his government, either naval, civil, or military. Yet that sum, Sir, which was no more than 1,200,000*l.* when given by a profuse parliament to a king, was by the best friends of the nation thought too much to be intrusted out of the hands of the people; and their opinion was justified by the event. If the expectations of the nation, Sir, are answered in the prosecution of this war, there will be employment enough for a great part of our land forces in those parts where the enemy is most sensible, and where we can most easily wound him. In that case, the service they do the nation will more than over-pay the immediate expence of keeping them up. And it is with this view only, that I agree to this resolution; but if the expectations of the nation are not answered, if our land forces are of no other use than they have

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been of these 20 years past, which is to be a burden to the people, and to appear once a year upon a review, gentlemen, I hope, will not make my concurrence with this resolution a reason why I ought not to move for an enquiry into so palpable an abuse of the power and money of the nation.

Mr. *Shippen:*

Sir; I now stand up to make my anniversary oration against a Standing Army. I have made one and twenty already, of which fifteen were never seconded, and this will probably be the sixteenth. The hon. gentleman who spoke last, Sir, and I, are generally of the same sentiments in questions that come before this House; and what I say now is not with any intention of reflecting upon any part of his speech, for I only disagree with him in his supposing that we can have any occasion for land forces in this war. I know the hon. gentleman's sentiments and mine are the same with regard to standing armies in general, with this difference, that he thinks there is a possibility that land forces may be of service to the nation, and I think they can be of service only to the minister.

The war we are now engaged in, Sir, is, as I take it, a maritime war; and our sea forces alone are proper to carry it on, and end it, to the glory of his majesty, and the advantage of the nation. It can be rendered a land war only by our being obliged to take part with the Dutch, if they shall offend France by declaring in our favour. But, Sir, I do not see there is the least appearance that our good old allies are very much in haste to put us under that inconveniency; I do not see them very rash, either in their good offices, or their preparations. Therefore we may reasonably conclude, that, for this year at least, we are safe on that side. What makes me the more confident of this, Sir, is, the delay which the forms of their government require, before it can take the least step with regard either to peace or war. Nobody, I believe, will say that they have taken any as yet, and every body knows that before they can, the season for action next year will be over. For even after the augmentation of their troops, and refitting of their navy, that we have heard of late so much of, shall take place, which cannot be sooner than the middle of the next year, some time must be spent before that augmentation is completed, or the necessary preparations made. And we may give them a longer time for deliberating, and settling their scheme of action. By that time, Sir, no army can take the field, and we may save all, or the greatest part of near a million of money, without putting the country to the least inconveniency, or exposing it to the least danger. This, Sir, is a very large sum, and might, if honestly applied to the service of a maritime war, put an end to all our differences before the end of next year.

But gentlemen may say; we have France to deal with. What if we should be invaded? What if she should attack the Dutch? What if she should raise other disturbances on the continent? Indeed, Sir, I do not think that we have the least to fear from France, for this plain reason, that she gains more by her neutrality than is possible she can by taking part with our enemies. Nay, Sir, I will venture to say that if she is disposed, which I do not at all question, to favour our enemies, she cannot do either them or herself more effectual service, than by persevering in her neutrality. Do not we see, Sir, that she is carrying on all their trade for them? Do not we see that the river is now covered with French vessels, which convey our commodities, that ought to go in our own bottoms, to Spain, and to all parts of the world? The Spaniards cannot subsist without our commodities, and they could have no way of receiving them, were there not a neutral power, such as France and Holland, to import them. Besides, Sir, the prime minister of France is growing old; he does not love war, he cannot bear the very thoughts of it, and there has not a difference happened in Europe these 12 years that he has not endeavoured to make up, if he could not improve it to the interest of his own master. Do we not every day hear, Sir, that he is charitably interposing his good offices at the court of Great Britain, to decide the differences betwixt us and Spain?

As for the great force which they may bring into the field, and which is the only reason pretended for our keeping up a land army of near 40,000 men, besides the 12,000 men upon the Irish establishment, they can never affect us as long as they stay on the other side of the water; and if we should suffer them to land on this side, that will be our fault, unless they can bring a superior naval force to favour their invasion. But we have very lately heard, Sir, from a very unsuspected authority,

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that the French are our faithful friends and well-meaning allies; that as long as we do not fall out with them, they will not interrupt us, and that they have no naval force in readiness that can give us any apprehensions. Then why should we be uneasy on account of France, since we are so well assured that she neither can nor will hurt us?

As for her falling upon any of our friends and allies on the continent, I cannot prevail upon myself to think that it would be our business at present to make ourselves a party if she should; for our neighbours have not lately been very liberal of their good offices. But, Sir, we have not the least reason to apprehend that she has any such intentions. We have lately had a proof of her dispositions to peace in her conduct to the Germans and the Turks, when the former were so much reduced by a series of unfortunate campaigns. Had the prime minister of France designed to have embroiled the affairs of Europe, he had here a fair opportunity, when the affairs of the emperor of Germany, his old and most formidable enemy, were so much distressed.

These are some of the reasons why I think that the expence, to say nothing of the danger, that must attend our keeping on foot so great a number of land forces, is very disproportioned to the service they can do us against the power which we have the greatest reason to dread. The only other reason that I can suggest at present is, that it is possible we may have occasion to employ them against Spain herself.

To answer this argument, Sir, we are to consider, that we must employ them either in an offensive, or a defensive war. If in an offensive, it must be by attacking them either in Europe or America; if in Europe, former experience has convinced us how ill-grounded all our hopes of success from such an expedition must be; besides, I do not see any attempt that could be made, of importance enough to defray the certain expences the nation must incur, even on a supposition that it should be successful. If then we should attack our enemies in America, where it is our interest to attack them, and where our attacks cannot fail to succeed, much fewer forces will be sufficient, and these, Sir, give me leave to say it, ought to have been sent thither long ago. I believe, Sir, there is no gentleman, who has made it his business to inform himself of the present condition of the Spaniards in America, who is not sensible that they are very weak; and that if we had made a vigorous push there, before they had had time to have put themselves on their guard, we might now have congratulated each other on our success, instead of debating about the manner of obtaining it. I cannot say, Sir, what is the condition of the brave admiral, who, I hope, is by this time on those seas; but if he had 3 or 4,000 land forces to support him, I should have had a much better opinion both of the success of this war, and the wisdom of our ministry. It is by doing such a piece of service to the nation as that would be, that land forces can be rendered either useful or so much as tolerable here. That service has not been consulted, and if it shall, a much fewer number of forces will be sufficient than this resolution proposes.

The other manner in which we could have occasion to employ our land forces, and which I have already mentioned, is, by defending ourselves. But from whom, Sir? Where is the enemy who is to attack you? Are the Spaniards able to do it? No, they are starving at home; they cannot find subsistence in their quarters: how, then, will they be able to victual or to equip a fleet and an army for such an expedition? Besides, Sir, where have they ships? Where have they transports for carrying over such a number of men as could give us uneasiness, though we had not 500 standing forces in the country?—Having thus given my reasons, Sir, why I am for recommitting this resolution, I shall not at all be disappointed if I am singular in my opinion; I am resolved, and I shall always adhere to that resolution, that I will not neglect my duty, which is to oppose every burthen that may be heavy, or dangerous to the people, but more especially that of a Standing Army.

Mr. Shippen then walked out of the House without waiting to know the success of his speech, and the Resolution was agreed to.

*Debate in the Commons on Motions for Papers relating to the War with Spain.**] November 29: Sir *William Wyndham* rose and said:

Sir: the great expence in which the nation is involved by the present war,

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gives us a right to know by what means, and by whose encouragement, an enemy, that is, in appearance, by no means equal to the strength which this nation is able to exert, has ventured to provoke us. War, Sir, is a terrible evil, especially to a trading people; and even the present war, if it could have been avoided without forfeiting all the honour, without ruining all the interests of this country, ought not to have been declared; but it is a war of necessity, as every war ought to be, and not choice; it is a war justifiable by every maxim of government, by every principle of self preservation; a war in which every thing that is dear or valuable is endangered. But, Sir, the stronger the reasons were which forced us into this war, the more worthy the attention of this House is every step which led us into the necessity of declaring it. The world, Sir, has hitherto been very much at a loss with regard to the management of the national interest at the court of Spain. If we are to judge by appearances, if we are to trust our own senses, the Spaniards have either received very great encouragement or very insufferable provocation; their conduct, Sir, is not to be accounted for, if we do not suppose that one of these has happened, or that they are totally deprived of common sense. For how can it be imagined, that they would be so tenacious of a claim, that is not founded upon any one principle of reason, nor so much as warranted by practice, as to pull down the resentment of a people undoubtedly able to ruin them beyond recovery, by seizing the very source which supplies their strength and supports their insolence.

I know it has been said, Sir, and possibly may now, that the obstinacy of Spain has been produced by another cause; I mean her expectations, her assurances of being supported in this war by a neighbouring power. But, Sir, considering the disposition which that court has still discovered for promoting an accommodation, there is little reason to think that such expectations of assistance are built upon any assurances, or upon any encouragement which she received from that court. The very nature of the differences between us and Spain, and our superior strength by sea, must dictate to the court of France pacific sentiments. That court, Sir, has always been noted for understanding and pursuing her own interests, often in opposition to all the ties of honour, gratitude and religion: and can we suppose, Sir, that she will not consult them now, when she can do it consistently with all these? What, Sir, could France propose by fomenting and encouraging a difference betwixt us and Spain? Give me leave to say it, Sir, she herself must be a more considerable sufferer than the Spaniards, if this war is pushed with a vigour answerable to the expectations of the public, and the greatness of our injuries. Our superiority at sea will give us an opportunity to strike a blow that must wound her interests in the most sensible part, and cut off for ever the annual supplies of a treasure, that is the chief instrument of her government, as well as strongest support of her power. I say, Sir, it is owing to the sums received by France every year, which amount to seven-ninths of the whole treasure that comes from America to Spain, that she is now enabled to make so formidable a figure; and it has been, it is now, in our power to cut off that communication. This is so natural a consequence of a war betwixt us and Spain, that the French court must be infatuated if they do not see it, and endeavour to prevent it.

Thus, Sir, it is highly improbable that France would foment differences betwixt us and Spain, unless we can suppose she had positive assurances from England itself, that things never should be carried to the extremities of war, or, if they were, that that war should be so managed, as that Spain should have no reason to complain of being too hard pushed. And indeed, Sir, if we may be allowed to judge from appearances, they have had no such reason yet; for the war has hitherto been managed, as if we were afraid lest they should think us rude and unpolite. Therefore, Sir, as we may venture to affirm it impossible that this obstinacy, on the part of Spain, can arise from the hope of being successful against the power of England, if she stands alone, and unassisted; as we may venture to pronounce it highly improbable that she should be encouraged in this obstinacy by France, the only power in Europe from which she could expect assistance, we may reasonably conclude that this obstinacy proceeds from other motives than any that have been hitherto discovered.

When, two sessions ago, a motion was made to address his majesty for certain Papers relating to our negotiation with Spain, it was pronounced highly unreasonable; because by such an address we

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should have taken a depending negotiation out of the hand of the ministry, and shown disrespect to the person of his majesty. These, Sir, with certain other arguments equally cogent, determined the House to reject the motion. I am afraid that, by rejecting that motion when it was made, we have contributed to draw upon his majesty, after a long and fruitless series of negotiations, the necessity of appealing to the decision of the sword. Had we been at that time thoroughly informed of the state of affairs between us and Spain, had we known so much of the transaction as to have been able to give his majesty our advice, I am persuaded that this war might have been prevented, as well as the inglorious circumstances with which it has been carried on.

Now, Sir, all negotiations are at an end, and it neither can be detrimental to the nation, nor disrespectful to his majesty, if this House exerts its privileges of calling for the papers that may give us a light in the measures that preceded the breach betwixt the courts of Great Britain and Spain; and as it may be objected that some papers are of too tender a nature to be communicated to the public so soon after the declaration of war, I shall confine the motion I have to make, to the period betwixt the conclusion of the treaty of Seville and the year 1738. This, Sir, will take off the force of all objections of that kind, and give the House, I believe, a satisfactory information, with regard to the nature of our late negotiations. It is, Sir, with the greater confidence that I make this motion, as I am convinced, that the gentlemen who are in the administration can have no reason to oppose it, but on the contrary will be fond of joining in a proposal, which, if they have acted a fair and an impartial part for the interest of their country, cannot fail to establish their credit amongst the people, and dissipate all misrepresentations of their conduct; it cannot fail to rectify the mistakes of the misinformed, quiet the suspicions of the wavering, and increase the alacrity of the confident. Let it not give offence, Sir, I will be so plain with gentlemen as to say that the public is not without suspicions that there are some designs yet undiscovered, and that the interest of the nation, if conducted by the same hands in the time of war as in the time of peace, will not be very solicitously attended to, or zealously prosecuted. This, Sir, contributes much to depress the spirits, and obstruct the efforts of many dutiful and honest subjects; and this enquiry must either bring the secret actors in the scene of iniquity to light, or it will remove the fears of the public. Therefore, Sir, I take the liberty to move,

"That an humble Address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House copies or extracts of such memorials or representations as have been made either to the king of Spain or his ministers, from the treaty of Seville to the 9th of March 1738, relating to any losses sustained by his majesty's subjects, by Depredations committed by the Spaniards in Europe or America, which have not already been laid before this House."

Sir *George Yonge*:

Sir; I could have wished that a motion of this importance had been made in a fuller House, and when gentlemen, who are best able to expose the unreasonableness and impropriety of it, had been present. I shall, however, endeavour to convince gentlemen that our agreeing to it must be attended with great inconveniences. The hon. gentleman, who made the motion, was at great pains to find out the reasons why the court of Spain had put his majesty under the necessity of declaring war. But can any better reason be given for the conduct of a court, when it is irreconcilable to common sense, and its visible interests, than that it is pushed on by an impolitic ambition, or that its counsels are carried on by weak and wicked ministers? If this, Sir, is the case with Spain, are the ministers here to be answerable for her conduct? Are they, Sir, to be arraigned because that monarch or his queen will not follow the advice and directions of the opposition here? Sir, I dare say it was not for want of being put in mind both of their interest and danger, by our ministry, that the court of Spain have pushed things to this extremity; but if they were not so wise as we would have them, is the blame to be laid on our ministers? The history of all ages, and of all countries, gives us frequent instances of the effects of rash ambition: and the history of no country is more pregnant with those instances than that of Spain. Gentlemen may remember, that, not much above 20 years ago, this very court drew upon herself the arms of the three most powerful monarchs in Europe, I mean the emperor of Germany and the kings of

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Great Britain and France. All these powers attacked her with considerable fleets and armies at once; and had it not been for the defeat we gave her by sea, she was in a fair way, Sir, of creating great perplexities to them all. I was then in parliament, Sir, but I did not hear any British statesman accused of having, by his counsels, encouraged Spain to measures that made this war necessary. It was universally allowed to have proceeded from the dangerous schemes of an ambitious priest, then at the head of the Spanish counsels; and why may not a like reason be assigned for her present conduct?

But I am afraid, Sir, the conduct of the court of Spain is not founded upon such unreasonable precarious views, as every Englishman would willingly suppose. They tell you themselves, Sir, that the madness of the people here has pushed things to this extremity; and why should we go farther to seek a reason for their conduct? They had a minister, Sir, who was an eye-witness of the violence and disrespect, with which the greatest characters in the nation were treated, if they did the least incline to bring about an accommodation. It was very natural for this minister to inform his court of all this, and as natural for them, to think, that in a country where animosities and heats run so high, one of these two things must happen; either that if a peace were made, it would be observed no longer than the faction had strength enough to come into the administration; or, that from a country so divided they should meet but with a faint resistance. Thus, Sir, the hon. gentleman might have found the greatest part of his speech answered by the Spanish Manifesto, of which we have no reason to doubt the truth, in this particular at least, because it coincides with our own knowledge and experience.

As to what the hon. gentleman said about the improbability that France should ever suggest warlike counsels to Spain, or encourage her to come to a rupture with us, I wish that his reasoning, specious as it seems, may not be founded on a mistake. For though I am far from thinking that France would willingly venture the great share she has in the treasure imported in the Spanish galleons, yet I am very much convinced, that she would be much better pleased to see the possession of the mines from which these treasures come, and the keys of the whole trade, in the hands of Spain than in those of Great Britain. Nay, I will go farther, Sir, and say, that if she is of opinion, that a clandestine trade has been encouraged and carried on by our merchants on the coasts of Spain, she will look upon that trade as detrimental to her interests, as well as inconsistent with treaties, and therefore be very ready to join in every measure that may check it. Besides, Sir, we are yet in the dark, with regard to the reception which she gave to the Resolutions of this parliament on that head. We do not know whether she may not be of opinion that our assertion of a right to be exempted from all search upon the American coasts is inconsistent with the exclusion of all other nations from trading with the Spanish West Indies, and that it may open such a door for fraudulent transactions, and give such opportunities to smugglers on that coast, as may utterly defeat all the intent and meaning of the most positive treaties. I hope, Sir, this is not the case, but if it is, we have a farther reason for the obstinacy of Spain.

But to proceed now, Sir, to the propriety of the hon. gentleman's motion. He was pleased to observe that none of the reasons that induced the House to give a negative to this motion two sessions ago, could now subsist. Sir, I shall very readily admit that our affairs with Spain are in a very different situation now from what they were in at that time: but, Sir, that is no reason why other circumstances may not have rendered it highly improper for us to agree to this motion. In the first place, Sir, we have already had all the papers laid before us, in which it was possible for us to receive the least information; for the motion which the hon. gentleman says was rejected two sessions ago, was only amended by being limited to a certain period, because the circumstances of that juncture rendered it improper that all the papers moved for should be laid before the House.

The present, Sir, is the most unfit juncture that gentlemen could possibly have pitched upon for a motion of this nature. It is in his majesty's choice to answer this Address, should we agree to it, in what manner he pleases; and how can we expect a favourable answer to an address, that can serve no other end, but to express the distrust of this House, not only with regard to his majesty's servants, but himself? While negotiations were depending, gentlemen had some reason, at least an appearance of reason, for motions of this nature; but since the nation has now re-

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ceived all the satisfaction on the part of the ministry that she can desire, since his majesty has now complied with the voice of his people, and is vindicating his own and the national honour by a vigorous prosecution of a just war, what shadow of reason, what pretext can be given for our calling for those papers? Can we pretend that we want information? No, Sir; we have already had all the papers that are necessary for our information, for in the eleventh year of his majesty's reign the following Resolutions stand on your votes; viz. "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions to be laid before this House, copies, or extracts, of the several Petitions, Representations, Memorials, and all other papers, relating to the Spanish depredations upon British subjects, which have been presented to his majesty, or delivered to either of his majesty's principal Secretaries of State, since Midsummer last, together with copies, or extracts, of such Memorials or Representations, as have been made, either to the king of Spain, or his ministers, and of the letters written to his majesty's minister at Madrid relating to the said depredations." Thus far the House at that time thought fit to comply with the terms of an hon. gentleman's motion; and though another hon. gentleman last session thought proper to make the motion we are now upon, yet the House very wisely rejected it, and I hope this motion will meet with the same fate. Not that I am against any measure, which would conduce to the information of the House, did I think that such an information could promote the interest of the nation; but were I not acquainted with the candour and wisdom of the worthy gentleman who made this motion, I should be apt to think that it proceeded either from curiosity or revenge, the first a motive too trifling, and the other too cruel for me to charge any gentleman with upon mere suspicions. Yet, Sir, what can gentlemen expect, or hope from this inquiry, except it is to start some new objection to the conduct of the ministry, and increase the clamours of the opposition, though at the same time that conduct has always had the approbation of his majesty and of parliament, and has, since the declaration of war, been justified by, what gentlemen have of late affected to extol as the test of merit, the Voice of the People. Had the ministry, Sir, trifled with the nation; had they meanly truckled to the court of Spain, and delayed or denied a war, then indeed gentlemen might have had some reason for suspecting that there were some designs yet undiscovered, that this House was imposed upon by the ministry, and the nation betrayed.

But there are considerations, Sir, arising from the nature of the motion itself, which are sufficient to determine me to give it my negative. We are now engaged in a war with Spain; but that war was preceded by a long negotiation, by which his majesty endeavoured to avoid the calamities that attend war. This negotiation, Sir, passed through several hands, it was attended with various difficulties, and no man can take it upon him to say how far other powers may have been interested, and how far they may imagine themselves injured, should every thing relating to them be laid open to the public view. I call it the public view, because it is next to impossible that the nature of papers, exposed to so numerous an assembly as this is, should remain long a secret. It is, or ought to be, the wisdom of the administration to avoid every step that can give France, or any of our neighbours, the least umbrage at present. If Spain is the only enemy that we shall have to contend with, there is the highest probability that this war will be attended with honour and success; but if other powers should discover secrets from papers laid before this House, and be so far enraged by the affront as to resent it by taking part with our enemies, it is hard to say how far the flames of war may spread, or when they may be extinguished.

Whoever, Sir, considers the nature of our negotiations after the treaty of Seville, and the various interruptions and perplexities that they met with from the fluctuating situation of affairs in Europe, may easily conceive that there are papers among those moved for by the hon. gent. by no means proper for our inspection. Sometimes we were in good terms with Spain, sometimes at variance. Perhaps we might interfere now and then in a private affair with the Dutch, for they had their differences to adjust as well as we; sometimes with other powers. Now, Sir, would it be prudent in us, at a time when we ought to court, or at least preserve, a neutrality with all these powers, to expose all the different memorials relating to matters of commerce presented to the Spanish court? In private differences, Sir, gentlemen know that a great many things pass, which vary

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according to the humours and views of the parties, and which, after the differences are settled, the authors would be displeased to hear so much as mentioned. I may be piqued at a man, and treat him very roughly, perhaps send him a sharp letter, or complain of him privately to our mutual friends; yet, it is possible that our animosity may be succeeded by friendship, I may be convinced, that justice was on his side, or that I was imposed on by false reports; and then I shall perhaps be ashamed for some things, that I thought both just and prudent for me to do, while the mistake was yet undiscovered. Perhaps if the person shall know I took these steps, he will break with me again. But the case is much harder in public affairs: a minister, Sir, cannot pursue the dictates of his own inclinations, he must follow those of his constituents; and a minister like ours, at the court of Spain, who is soliciting for redress for a great body of men, cannot be so thoroughly acquainted with facts, as not sometimes to be imposed upon; and an affair will carry a very different aspect, when the circumstances attending it are altered. Upon the whole, Sir, I think this motion entirely useless for the information of the House, tending to create difficulties and distrusts where none ought to subsist, and may be dangerous in its consequences to the interests of the nation in the present war.

Lord *Polwarth*:

Sir; if gentlemen shall determine to reject this motion, I do not see to what purpose we sit here. If upon every occasion that we shall exercise our undoubted privilege of calling for papers from the crown, which may be of service for the information of the House, we shall be told that the motion proceeds not from regard to the public, but from a spirit of revenge or faction, I believe gentlemen will be very backward in exposing themselves to such a treatment. It has ever, Sir, been the practice and privilege of this House to call for papers from the crown, even when affairs of small consequence were before them. And shall not we exert that privilege now, when the nation has been by notorious mismanagements, long continued, and openly defended, even in her honour as well as interest almost destroyed, and is now engaged in a war, the necessary effects of these mismanagements? Sir, I will be so free with the hon. gent. who spoke last, as to say, that I am for agreeing to this motion, not barely for the sake of that information which curiosity may expect from these papers, but of that which my duty to my country, my zeal for his majesty's honour, and my concern for the dignity of this House require. All these are incitements, that influence me to second every motion that may contribute to detect the dark transactions, and mean practices, that have brought so much misery upon the nation. And we can succeed in this no way so probable as by seeing the papers and materials that have gone through the hands of the principal agent.

I am sorry, Sir, to see that there is at present so little probability of obtaining this satisfaction, and that the nation has so small a prospect of being able to bring the authors of all her misfortunes to justice. I am sorry to see gentlemen presume so far upon an indulgent majority, which they have secured to their own interests, as to advance arguments in this House, which they themselves must be conscious have no manner of foundation, either in reason or fact. Can the hon. gent. who spoke last, imagine that the House was so weak as to believe he was serious in what he said, and that all he wanted was not to gain a little time and to quash the motion after some appearance of a debate? Why do not gentlemen rather declare in plain terms that they reject a motion because it displeases them? It would be shewing, Sir, a greater regard for the honour of the House, than after keeping up the solemn farce of a ridiculous debate to give a negative to a question against the conviction of their own minds, and every principle of common sense.

Could the hon. gent. imagine the House thought him in earnest, when he said that the faction here had encouraged the Spaniards to continue their insolence till they made it necessary for his majesty to have recourse to arms? The faction here, as he is pleased to call the whole body of the people, and almost every independent man in the country, have always declared for a war with Spain; they have dreaded nothing, they still dread nothing, so much as a peace: then how consistent is it to imagine that the Spaniards would so far gratify their open enemies, the body of the nation, and so far disoblige their steady friends, the ministry, as to force us into a war, notwithstanding the unwearied efforts of their kind adherents! There is some-

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thing, Sir, so ridiculous in this stale argument, that it is surprizing a gentleman should either hear it, or repeat it with a grave air. The Spanish Manifesto indeed does use the expression mentioned by the hon. gent. but it is very easy to perceive with what views. It is, Sir, in order to palliate their own injustice, and their open contempt of our ministry, that they represent it as the effect of the clamours of the people here, that both the nations were forced into a war. Sir, I believe, if we consult all histories, even those of the most absolute countries, we shall find no people ever suffered greater hardships, ever bore them more patiently, or ever had recourse to more dutiful and legal measures for their redress. It was not, Sir, upon the lowest class of men, upon the scum of the people, that these hardships fell, but upon men of reputation and fortune; men, Sir, to whom the nation is more indebted for every shadow of advantage that she enjoys, than to the minister, with all his auxiliaries, followers and dependents. They had recourse to parliament; parliament came to resolutions in their favour, which forced the ministry upon the perplexing choice of either carrying on their schemes in direct opposition to these resolutions, or of making war upon Spain, who continued obstinate in her refusal to do us justice. The first, Sir, was a measure which they durst not venture upon, therefore against their will they were dragged into the other.

As to what the hon. gentleman said about the probability of our disobliging France, or any of our neighbours, if we should agree to this motion, that argument, if it can be called an argument, proves either nothing at all or it proves too much. For why, Sir, should we be afraid to assert or exercise an undoubted right, lest it should provoke any other power? The safety of the nation, Sir, and the service we do to his majesty by detecting offenders, ought to take place of all other considerations; and if we never shall take a step before we are sure that it will not be disagreeable to France, we had as good humbly desire them to send over an intendant, who shall direct and controul our counsels. Our fear of offending France, Sir, was, I remember, a main argument, very frequent with gentlemen, to prove that we ought not to enter into this war at all. Necessity however got the better of our fears, and we do not find that France resents it, at least she does not appear disposed to declare her anger. And if we risked her friendship upon the declaration of war, shall we be afraid that she will resent our desiring such papers as are absolutely necessary to the service of the nation? Sir, I do not see any one question that can come before this House, to which this argument may not be as properly applied as it is in the present case; for I believe we can do nothing more offensive to France, than to pursue the true interest of England.

As to the objection which supposes that the papers contain several passages which may be improper to be exposed to the observation of the public; this argument is of a piece with the other. If we knew, Sir, what they contained, we should not be under such a necessity of calling for them. But how is it possible, Sir, that any power in Europe, unless she is obstinately bent to quarrel with us, should take it amiss that we call for the papers that have passed through the hands of our ministers, and been laid before those of Spain? How can that affect them? The hon. gentleman sure could not be in earnest, when he brought an instance from private life to prove that it might; therefore I shall be at no pains to answer that part of his speech, because I am persuaded that neither he nor the House expect I should. In short, Sir, the motion is so reasonable, and so indispensable with our duty, that I shall say no more but that I hope the majority of the House will agree with me, that it ought to be admitted.

The question being put, it was carried in the negative, Noes 95. Yeas 55.

Mr. *Pulteney** then rose and said;

Sir; although the success of the last motion must be a discouragement to any gentleman to make a motion in this House, which he thinks will not be approved by the minister, yet, as I am resolved always to do my duty as a member, without regard to the success I may meet with, as I am resolved to consider only what may be agreeable to the people I represent, and what they may justly expect, without regard to its being agreeable or disagreeable to a minister, I shall beg leave to make you a motion, which I think, is not liable to the objections made against the last, and therefore, I hope, it will meet with a happier fate. For these two last sessions, Sir,

* From the London Magazine.

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this House and the whole nation were entertained and amused with the strongest assurances, that the negotiations then carrying on with the court of Spain would at last end in a safe and honourable peace. This would have been a good end, an end for which we had reason to negotiate, and an end which every good man wished to see, though very few expected it; but as, during the whole time of these negotiations, we were put to a great expence, and suffering many of the calamities of a real war, we ought not to have continued our negotiations, unless we had very good grounds to expect a speedy and happy issue; and, in the mean time, those squadrons, which the nation was put to the expence of fitting out, ought to have been employed in protecting our trade from those warlike insults which under peaceful pretences were frequently put upon the trade and navigation of this kingdom.

If our negotiations had ended in a safe and honourable peace, as we were often assured they would, the people would have concluded, that those hopes, upon which we had for so many years continued our negotiations, well founded, and the fruits of an honourable peace and flourishing trade would have made them forget the injuries they had suffered, and the dangers they had been exposed to. Like a weary traveller, they would have rejoiced in the warmth and convenience of their quarters, and would have forgot the toils and the dangers of that long and tedious circuit, they had been obliged to make, in order to come safely to their lodging. But as our negotiations have now taken a quite different turn, the people neither can suppose, that we had ever any well grounded hopes of success by negotiation, nor can they forget the insults they were exposed to, and the injuries they suffered, by the continuance of these hopeless negotiations. They not only conclude, that we continued to negotiate after being deprived of all hopes of success in that way, but that very little care was taken, in the mean time, to protect our trade from those dangers and inconveniences it was exposed to, by these very negotiations.

If these conclusions are wrong, Sir, if our hopes of success by negociation were well founded, and proper care taken to protect our trade in the mean time, I am sure the parliament cannot do a more effectual service to the administration, than to enquire into the grounds upon which our ministers continued to negociate, and into the care they took to protect our trade, while they thus continued to negociate; and as no such enquiry can be made, without having all the necessary papers and materials before us, I hope, in the motion I am to make, I shall have the concurrence of every gentleman concerned in the administration; for when a man is blamed or accused, either by a private person, or by the public voice of his country, I am always willing to suppose him innocent, unless he gives me reason to suspect him guilty, by his industriously avoiding a fair enquiry into his conduct. For this reason, I hope I shall have the concurrence of every gentleman concerned in the administration; for I shall be sorry to find them, by their opposition within doors, justifying and confirming the scandalous conclusions that are made against them without.

But, Sir, whatever reception my motion may meet with from those concerned in the administration, I am sure it is a motion that will be agreeable to every man, who has no share in the administration, nor any particular dependence upon it; and it is a motion which every man, that has suffered by our negociations, or may suffer by the war, has a right to have complied with. When any great misfortune is brought upon the nation, the people expect, they ought to be informed, how that misfortune came to be brought upon them. This information they cannot expect from those concerned in the management of our national affairs: they will not rest satisfied with any accounts they can give, and in this they are in the right, because those that are concerned in the conduct of public affairs may be, and are often, the chief cause of the public misfortune. In all such cases, it is from parliament only they can expect satisfaction. It is for this they send us here; and if we do not give the people this satisfaction by a fair and impartial inquiry into the causes of the misfortune, we neglect one of the chief ends of our meeting in this House. I hope it will be granted, that war is at all times, and to every nation, a very great misfortune: It is not yet a twelvemonth ago, since it was represented as such a terrible misfortune, that a nation ought to submit to the most cruel indignities, the most tedious negociations, the most scandalous convention, rather than involve itself in a war. I did not then, I do not now, look upon war in such a terrible light; but yet I look upon it as a misfortune, which no man ought to

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involve his country in, if it can be avoided; and therefore, if there be any amongst ourselves who, by their folly, have involved us in this misfortune, their conduct ought to be enquired into and their persons removed from our councils, that the nation may not suffer a second time by their folly; for if we do not remove such men from our councils, they may bring us into a second misfortune, ten times worse than the first.

This, Sir, is what the people are afraid of: they feel the misfortune of the war, and, I fear, will feel it severely before it can be brought to an honourable conclusion: they suspect we have been led into it by the weakness of our own conduct: by not understanding our own rights, or not representing them in a proper manner to the court of Spain, that court, they suspect, has been encouraged to form new pretensions against us; and that by mean concessions in former treaties, and by too patiently and too long submitting to indignities, we at last made that court believe, that nothing could provoke us to declare war against them. This is suspected by most men in the nation to be the remote cause of the present war; and for removing or confirming their suspicions, they expect, they justly expect a fair and impartial enquiry into the conduct of our public affairs. If by this enquiry we remove these suspicions, we do justice to our ministers; if thereby we find them confirmed, I hope we shall do justice to the nation.

The people, Sir, have long suffered, and greatly: our ships have been seized, our merchants often plundered, our seamen long treated in the most cruel manner, by a nation we could have crushed to atoms, if we had properly and seasonably made use of our power. The people expect to see a reason given for making them suffer so long; especially, since the reason hitherto given, appears now to be no reason at all. Every one knows, that our merchants and seamen have been complaining of the depredations committed upon them by the Spaniards, for this dozen of years past. During all that time we have been in a continual course of negociation, and the sufferers have always been told with great confidence, that our reason for not putting an end to their sufferings by a declaration of war, was the reasonable hopes we had of putting an end to them by a treaty of peace. This now appears to have been a very insufficient reason; and it cannot be said, it was less convenient, or less safe for us to have declared war, or issued reprisals, against Spain, ten or a dozen years ago, than it was in the month of June last; for the affairs of Europe were never in so unlucky a situation for this kingdom, as they were at that time, nor was the power of Spain then less, or the power of this nation then more considerable, than for 20 years preceding. Nay, the power of Spain was last June more considerable than it had been for a dozen of years before, because they had in that time many large additions to their navy, and had united themselves more firmly to the court of France: whereas we had made no addition to our strength: we had relieved our people from none of the taxes they groaned under, nor paid off any considerable part of our national debt; and by our conduct we had in that time detached from us every useful ally we had, or could have in the world. Therefore, I must conclude, that last summer was the worst of any preceding time for this nation to engage in a war; from whence it is natural to suppose, that the whole nation does suppose, that neither our former pacific, nor our present warlike measures proceeded from any national concern, but from some motive of a private nature, which we ought, and certainly will enquire into, if we shew a due regard either to our country or constituents.

Another, and, I think, a very strong reason, Sir, for our enquiring into the causes of the war, is the confidence with which the court of Spain has publicly asserted, that the war is owing to a breach of stipulations on the part of this nation. It is, indeed, lucky for us, that Spain took from thence an occasion not to perform her part of the last scandalous treaty we made with her; for the last is far from being the first scandalous treaty we have lately made with that nation. It is lucky for us, the Spaniards refused to pay the 95,000*l.* stipulated by the late Convention; for if they had made that payment at the time appointed, we should have been pinned down to a new ten years negociation, during which time their guarda costas would have had a sort of new indulgence to have plundered our merchants, and by that means they would soon have reimbursed themselves the sum they paid for that indulgence. But as the reasons given by Spain, for not making that payment, are founded on breaches of conditions on our part; as those condi-

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tions are such as were never ratified by his majesty; and as they have never yet been denied by any public authority in this kingdom, they ought certainly to be enquired into by parliament, for vindicating the honour of our ministers, if they are innocent, and for vindicating the honour of his majesty and the nation, by punishing them, or sending them over in fetters to the enemy, if they are guilty.

In short, Sir, to have suffered so long and so much, in hopes of a peace, and yet at last to find ourselves in a war, and at a time the most inconvenient, the most dangerous for this nation, affords such presumptions against the wisdom of those that have lately conducted our public affairs, and has raised such a general suspicion and distrust among the people, that in duty to our country, in duty to our sovereign, and, I hope, in justice to those who have been concerned, we ought to make strict enquiry into our late negociations with Spain. Whoever may be to blame, we are very certain, both from the nature of our constitution, and the knowledge we have of his majesty's wisdom and goodness, that he can have no share in it; and, therefore, when general suspicions and complaints are raised among the people, it is the duty, it is one of the greatest uses of parliaments, to enquire into the grounds of them, in order, either to convince the people that there is no solid ground for such suspicions or complaints, or to reconcile them to their sovereign, by detecting and punishing the guilty, or at least by preventing their having any farther concern in advising or conducting our public affairs. This, I say, is, at all times, the duty of parliament, but especially when the nation is just entered into an expensive and dangerous war, and a war too, which a great part of the people believe to be owing to the tedious perplexed negociations we have for so many years been carrying on at the court of Spain, and the tame submissions we have made to the repeated insults of that haughty nation.

Can the nation, Sir, expect a prudent or a vigorous prosecution of the war from those who, they believe, have been guilty of so much imprudence and weakness in time of peace? Can our soldiers or sailors act with courage or vigour, when they are diffident of the conduct of those who are their chief directors? Can our people pay with pleasure their taxes, when the chief management and application is to be entrusted to those, in whose conduct they can put no trust? Sir, if we expect success in the war, if we expect to put a speedy and an honourable end to it, we must remove the present suspicions of the people, or remove those that have caused them; and neither of these can be done, but by a fair, and impartial, and a strict parliamentary enquiry into our late conduct, especially that part of it which relates to our transactions with the court of Spain. This enquiry we have a right, and are, in duty to our sovereign, as well as our constituents, bound to make; and this enquiry will, I hope, turn out to the advantage and honour of those that have been concerned. I hope we shall be able to remove the suspicions of the people, by shewing them, that all our late transactions with Spain have been carried on with wisdom, steadiness, and perspicuity; but this cannot be done, unless we have laid before us all those papers that are necessary for giving us a thorough insight into those transactions; for if the proper materials are denied, the people will not believe, that we are either serious or impartial in our enquiry; and in that case, instead of removing their suspicions, with regard to our ministers, we shall render them discontented, nay desperate, as well as diffident, by giving them a suspicion of the integrity of their representatives. For this reason, Sir, I shall conclude with moving "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House copies or extracts of all letters written, and instructions given, by the secretaries of state, or commissioners for executing the office of lord high admiral of Great Britain, to any of the governors of the British plantations in America, or any commander in chief, or captain of his majesty's ships of war, or his majesty's minister in Spain, and consuls in Europe, from the treaty of Seville to the 9th of March 1738, relating to any losses sustained by his majesty's subjects, by depredations committed by the Spaniards in Europe or America, which have not already been laid before this House."

Mr. *Horatio Walpole:*

Sir; I must think, that gentlemen give themselves a very unnecessary trouble, when, upon this occasion, or any occasion of the like nature, they talk to us of the right we have to enquire into the conduct of any public measure. In former times,

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this right may, perhaps, have been denied, by the parasites of princes, who aimed at arbitrary power. But it is a right that has never, of late years, been denied; it has never been, I believe, so much as insinuated by any gentlemen now in this House, that we have not such a right, or that it ought not to be exercised upon every proper occasion. But, as parliamentary enquiries into the conduct of those that are employed by the crown, are generally the cause of great ferments in the nation, especially when they are directed against those in high stations, and as such inquiries are always dangerous, as well as troublesome, even to the best and most faithful servants of the crown, they ought not to be set on foot but when there is an absolute and apparent necessity for so doing. We may remember, the very last enquiry that was set on foot, raised such a ferment in the nation, as, at last, ended in a dangerous and destructive civil war. That enquiry was absolutely and apparently necessary; but necessary as it was, if we had, at that time, been engaged in a foreign war, I should have been for putting it off till the conclusion of the war; for, if the disaffected or discontented party, call them which you will, could have had any foreign assistance, they might, perhaps, have been able to have turned the tables, and instead of having their conduct enquired into and punished as it deserved, they might have enquired into and punished the conduct of those who had so justly set up an enquiry into theirs.

All such enquiries, Sir, must therefore be allowed to be of dangerous consequence to the tranquillity of the nation; and, if we consider by whom such enquiries are generally set on foot and carried on, we must allow, that they are not only troublesome, but dangerous, to the persons whose conduct is enquired into. They are generally set on foot by the personal enemies of those in the administration, and are usually carried on with a zeal for condemning, which stifles every sentiment of compassion, and makes human frailties appear to be monstrous crimes. I shall grant, Sir, that it is a great advantage to a person accused, either by a private informer, or by a public report, to be legally tried and fairly acquitted; yet, nevertheless, I believe, no such person would chuse to put himself upon his trial, if he could conveniently avoid it; for even the most innocent may, by some accident or mistake, be condemned, and therefore a prudent man, let his innocence be never so apparent, will always chuse to vindicate his character by some other method, rather than run the risk of a legal and formal trial. For this reason, Sir, I shall be no way surprised, if I find the friends of those who were concerned in our late negociations with Spain, opposing any parliamentary enquiry into those negociations; especially as I am convinced, whatever some gentlemen may please to suggest, that there was not one wrong step made in the whole course of that transaction.

I presume, Sir, it will appear from what I have said, that no parliamentary enquiry ought ever to be set on foot, but when there is an absolute and apparent necessity for so doing; and therefore, I shall next observe, that there never can be such a necessity, but when there appears to have been a flagrant error in some part of the conduct of our public affairs. A national misfortune is no just cause for a parliamentary enquiry, unless there be ground to believe, that it was owing to the crime, the neglect, or the weakness of those who were concerned in advising or conducting our public affairs. I shall most readily admit, that war is a great misfortune to any nation; and that it is a greater misfortune to a trading nation, than to any other: to which I must add, that to this nation, I believe, it is a greater misfortune to be involved in a war with Spain, than with any other nation in Europe. But this is so far from being a reason for an enquiry, that it is a justification of the pacific measures so long pursued by the administration. Their avoiding a war as long as possible, their endeavouring as much as they could to bring matters to an accommodation, is, in my opinion, a manifestation of their prudence, and of their stedfast regard for the trade and happiness of their country. Suppose it true, which I have good reason to believe is far from being the case, that the Spaniards were so wrong-headed as to look upon our regard for ourselves, as a sign of our fear of them, could this be called a weakness in those that had the management of our affairs, especially as they have now convinced the Spaniards of their error? And, if the court of Spain did really fall into such an error, I hope, the event of the present war will be a lasting memorial for that nation, never to fall into such another.

Thus, Sir, I think, it is evident, that our present misfortune of being engaged

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in a war with Spain, can be no reason for setting up a parliamentary enquiry into our late transactions with that nation, unless it should be said, that we made unreasonable demands upon them, or entered precipitately into the war, neither of which, I believe, will be expressly alledged by any of those gentlemen who now seem so fond of parliamentary enquiries, though the hon. gentleman has been pleased to insinuate something like it; for, I must think, a war is precipitately entered into, if it is begun at the very worst time that could have been chosen for that purpose. I cannot, however, be of his opinion: I cannot think, that last summer was the worst, or the most improper time we could have chosen for entering into a war, or ordering reprisals against Spain. The additions made by Spain to its navy, we knew, could be of no signification in a war against this nation; and though the courts of France and Spain have been of late more firmly united than they were about 15 years ago; yet that union will not, I hope, prevail with France to assist the Spaniards in an unjust war against us; but, if it should, it is not to be imputed to any error in our conduct, but to the present circumstances of the two courts; for whilst the present king of Spain lives, it is natural to suppose, that there will be an union between the two; and this is another very strong argument for justifying the length, or, if gentlemen please, the tediousness of our negociations; because, if the present king of Spain had, in the mean time, happened to die, we should probably have found that court more flexible, and more inclined to come to a friendly accommodation with us. But, as that event did not happen, and as it became at last absolutely necessary for us to vindicate our rights by force of arms, we were obliged to take our fate, let who would declare against us; for, let the situation of affairs in Europe be what it will, I hope it will always be the happiness of this nation to find proper and powerful allies upon the continent, as soon as we have occasion for them. But, I must observe, Sir, that the best method to have good allies, is to shew them, we can stand upon our own legs; for, if they should suppose we cannot do without them, they will of course impose harder terms upon us, than they could otherwise think of.

With regard to our own conduct, therefore, I do not think there is the ground for suspecting it of any weakness, either in the negociations that preceded the war, or in the time we chose for commencing it; and consequently there can be no necessity for an enquiry. I, indeed, never heard of a parliamentary enquiry into public measures, unless they were such as had been first censured by parliament. Can this, Sir, be alledged against any part of our negociations with Spain? Those negociations did, at last, end in a treaty: that treaty was approved of by parliament. If it had been censured, there would then have been good reason for enquiring into the negociations by which it was concluded; but, so far otherwise, it was approved of, and justly approved of by both Houses, in my opinion, whatever some gentlemen might think of it. By that treaty, a reparation for the damage our merchants had suffered was expressly promised; nay, a proper provision was made for preventing any search in time to come. This was all we could desire, and the consequence has shewn, it was a good treaty for this nation: the Spaniards thought it so good for us, that they afterwards refused to perform their part of it; and this is the true and the sole cause of the present war; therefore, I am surprised any gentleman should pretend to be ignorant of the cause of this war, or that a parliamentary enquiry is necessary for informing any man in the kingdom what was the cause of the war.

Whatever doubts some gentlemen within doors may have, however much they may refine, about the remote cause of the war, I am persuaded, Sir, no gentlemen, or at least very few without doors, pretend to doubt of the court of Spain's being the sole cause of the war, by refusing to fulfil that Convention they had so lately and so solemnly agreed to. And, I am as fully persuaded, that with regard to the negociations which ended in that treaty, there are no complaints without doors amongst men of figure and sense, except such as are prejudiced by their passions, or such as are disaffected to his majesty, and consequently ready to find fault with every thing done by his servants. If there are any complaints without doors, they are wholly among the vulgar, the ignorant, the prejudiced and the disaffected; and if this House were to shew so great a regard to the complaints of such men, as to enter into a parliamentary enquiry, in order to convince or satisfy them, we should never be able to do any thing else but enquire, nor would such enquiries ever convince or satisfy them, but, on the contrary,

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would afford them new matter for complaint.

Therefore, Sir, whatever right we may have to enquire, however much it may be our duty to enquire into public transactions, we are at present under no necessity, nor have we any occasion to take up our time with enquiries. But even suppose an enquiry were necessary, yet it may be prudent to delay going upon it for some time; and this, I think, is the case with regard to the enquiry now proposed. Suppose it were necessary to enquire into our negociations with Spain antecedent to the Convention, it would, I think, be very imprudent to go upon it in this session of parliament; because it would be necessary to have several papers laid before us, which it would be most imprudent to make public, as every paper must be, that is laid before such a numerous assembly. Whether the papers now moved for may be necessary for an enquiry into our late negociations with Spain, I shall not determine; but this I may with confidence affirm, that the laying of all the letters and instructions moved for, before this assembly, might be attended with most fatal consequences.

We all know, Sir, that the Spaniards lay the whole blame of the war upon us, by pretending, we were the first that broke the Convention. Their pretences, indeed, are so weak, and so apparently ill-founded, that they do not deserve an answer, and far less the notice of this House; but if this motion should be agreed to, and complied with by his majesty, the letters and instructions thereby called for, might afford the Spaniards some plausible grounds, at least more plausible than any they yet alledged, for saying, it was this nation that first violated the Convention. If from these papers it should appear, that hostile instructions were sent to any of our sea-commanders, or to any of our governors, though it should appear at the same time, that those instructions were conditional, and not to be carried into execution, unless the court of Spain should refuse such or such a reasonable demand, yet that court would from thence argue, that we had dealt deceitfully, or not candidly, by them; because it from thence appeared, that we had been preparing to attack them, at the very time we were treating with them. Besides this, there are many other circumstances might appear from the papers and instructions now called for, which might give the court of Spain some colour, though not real ground, for laying the blame of the war at our door; and as we do not know what effect these colourable pretences might have upon foreign courts, all of whom now look upon the war as owing to the obstinacy of the Spaniards alone, we ought not, I think, in prudence, to call for any papers that may probably furnish our enemies with such pretences.

Another fatal consequence that may probably arise from having these papers laid before us, is a discovery of those designs that are now to be executed against the enemy. Let us consider, Sir, the circumstances the nation was in last year. His majesty was by the advice of his parliament to make a last attempt for accommodating our differences with Spain in an amicable manner: For this purpose, he was to make a peremptory demand of every thing we had a right to insist on; and for making this demand effectual, or at least to give it its due weight, he sent admiral Haddock with a squadron into the Mediterranean, and commodore Brown with another to the West-Indies; in order to shew the court of Spain, that we were resolved to begin hostilities, if they attempted to quibble with us any longer. This had the desired effect: it produced the Convention, by which, as I have said, we obtained all we could desire. We must suppose, that these squadrons were furnished with instructions for beginning hostilities, in case the court of Spain had absolutely refused to treat with us upon a reasonable footing; and consequently we must suppose, that in the instructions there were schemes laid down, how our squadrons were to begin the attack, and where they were to make the first hostile attempt upon the enemy. As Spain submitted, and concluded a most reasonable treaty with us, there was then no occasion for carrying any of those schemes or designs into execution; but now that Spain has, by adding breach of faith to her former obstinacy, obliged us to begin the war, these schemes or designs, or some of them, must now be carried into execution; and before this is done, I am sure it would be very imprudent to discover them to the enemy, which would be the certain consequence of having the letters and instructions now called for, laid before us. We should thereby give Spain an opportunity of providing against every attack we can make, and of taking all possible means for rendering our designs against them abortive.

Sir, whatever opinion the people without doors may have of the past conduct of

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those, who have the direction of our public affairs, I am certain, they would have no good opinion of, nor any confidence in their future conduct, should they agree to this motion, or advise his majesty to comply with it: I must, therefore, be of opinion, that, should we agree to the Address proposed, his majesty would find himself under a necessity of refusing our request; and as I am very well assured, that his majesty will never refuse any reasonable request that can be made to him by his parliament, I shall always be against making any request, which, I think, he cannot in prudence, or consistently with the welfare of his kingdoms, fully comply with. The Address proposed, I hope, I have shewn to be a request of this nature; this is the light I view it in; and this is a most substantial reason for my giving a negative to the motion.

Mr. *Edmund Waller:*

Sir; I shall readily admit, that the rights and privileges of parliament have not of late years been so much disputed by our ministers, as they were formerly, and if it were necessary, I could give a very good reason for this complaisance on the part of our ministers; but the acknowledging of our right to enquire will signify but little, if it should ever come to be in the power of ministers, to prevail with a majority of this House, to put a negative upon every question that tends to an enquiry. This, I hope, is not now our case: but I must observe, that, for many years past, either our ministers have been extremely good, or our parliaments extremely complaisant; for there has been no regular parliamentary enquiry into the conduct of any one minister, whilst he continued to be so; and if no minister's conduct is ever to be examined by parliament, till after he is given up by the crown, I cannot think, that parliamentary enquiries will ever be of any great service to the nation. The hon. gentleman that spoke last, has been so good as to acknowledge our right to enquire into the conduct of public affairs; but if the arguments he has been pleased to make use of upon this occasion, be allowed to be of any weight, I am sure, no parliamentary enquiry into a minister's conduct can ever be set on foot, because they will be of equal weight against every future enquiry, and every motion that may tend to that end.

The hon. gentleman is pleased to say, we ought never to enquire, but when there appears to have been a flagrant error in the conduct of our public affairs. Sir, how is this error to appear, if we are never to have laid before us any papers that relate to the late conduct of our public affairs? Does not every gentleman see, that the end of an enquiry is here mistaken for the cause? A general suspicion therefore, must always be a good cause, and this is what gave occasion for the present motion. There is at present the strongest reason to suspect most egregious errors in the late conduct of our public affairs, and we desire to have the papers now moved for laid before us, that we may from thence point out the errors our ministers may have been guilty of, or remove the suspicions which are now so general, and which may have been unjustly conceived. But I will go farther: I will affirm that, if our ministers have been guilty of no error in their late conduct, they have at least been guilty of a most egregious mistake. They declared, with the greatest assurance, for several years together, that they had reason to hope for a happy issue from their pacific negociations. Does it not now evidently appear that they were mistaken? And as I can discover no material difference between an error and a mistake, I must therefore think, that from the hon. gentleman's own argument, there is an absolute and apparent necessity for enquiring into our late conduct; and if there be a necessity for examining our late conduct, we ought to have all papers before us, that may any way contribute to our information.

Whether we ought, or ought not to enquire into the late conduct of our public affairs is therefore, I think, a question that can admit of no dispute, and, I think, it has not been said, that the papers called for are not necessary for our information. But we are told, they cannot be laid before us, because the secrets of our government would thereby be discovered to our enemies, which might be of mischievous consequence to the nation. That these papers contain some secrets, which our ministers do not desire to have discovered, is what I am fully convinced of, otherwise this motion would not be so strenuously opposed; but that this discovery might be of any mischievous consequence to the nation, is what I very much doubt of. It is what every gentleman, as a member of this House, ought to doubt of, because in the present case, we ought certainly to have all the information that can be given

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consistently with the public safety; and in a case where we ought to doubt, it is below the dignity of this assembly to take a resolution of that doubt from any of our own members. In such a case, it is from his majesty alone we can accept of any satisfaction, and the only method of obtaining that satisfaction is, by agreeing to the Address proposed. Can our presenting such an Address be attended with any bad consequence? If his majesty, by way of answer, should tell us, that some of those papers could not safely be laid before us, would such an answer be attended with any bad consequence? Could it be said to be a refusal of our request? No, Sir, every refusal of such request implies, in its own nature, the condition of its being consistent with the public safety; and therefore his majesty's telling us that it is not, will always be looked on by a dutiful House of Commons, as a sufficient answer to such a request; but it is an answer we can take from none but our sovereign: it is beneath our dignity to take such an answer from any of his servants.

Supposing then there was a probability, that some of these papers might make a discovery, which would be of dangerous consequence to the nation, it would be no argument against our agreeing to the motion. But so far otherwise, it is not possible to suppose, that any of the papers now called for contain any secrets, the discovery of which might be of bad consequence to the nation, without supposing our ministers to have been guilty of a very great weakness. I shall grant, that in summer, 1738, we were, or at least our ministers were, in a state of uncertainty about war or peace. I shall grant, it was right in them to contrive and form schemes for attacking the Spaniards, in case they had refused to treat with us upon a reasonable footing; but whilst they were in this doubt, I am sure it would have been very wrong, in them, to have communicated such schemes, either to the commanders of our squadrons, or to the governors of our plantations. For as no such scheme could be carried into execution by them, till they had an account from hence that our pacific negociations were entirely broke off, and war resolved on; and as the same express that carried them this account, might likewise have carried them the schemes our ministers had formed, with proper instructions for putting them in execution, it would have been most imprudent and rash in our ministers, to give or send them any warlike schemes, or instructions for executing any such scheme, before they sent them an account of our negociations being entirely broke off. We cannot, therefore, suppose, that any of the letters or instructions now called for contain any secrets, or any schemes which are now to be executed, unless we suppose that our ministers were guilty of a piece of great weakness; and if we suppose them guilty of such a piece of weakness, it is a good reason, not only for enquiring into their conduct, but for removing them from our public councils; for in the dangerous, and, I am afraid, long journey we are now entered upon, it is not likely, those ministers can carry us through with safety, that made such a trip at the first outset.

Sir, if the letters and instructions now called for, were such as they ought to have been, they could contain nothing but orders and directions how to take care of our trade, and prevent our merchants being farther plundered whilst we were negociating with those that had plundered them. It was certainly our business to prevent, as much as possible, our merchants being plundered during the course of our negociation, not only for the sake of our trade, but for the sake of succeeding in our negociation; for the less we suffered, the less reparation we had to demand, and the less we had to demand, the more easily might we expect to obtain satisfaction in an amicable way. It was, therefore, the duty of those whose business it was, to send the most prudent and exact instructions to our commanders, governors, and consuls, to take all proper care of our trade in the mean time: and here, I believe, the secret lies. Considering how many of our merchant ships were seized, how many plundered, and some perhaps, with their whole crew, sunk after being stripped of every thing the pirates thought valuable, there is the greatest reason to suspect, that due care was not taken of our trade, nor proper instructions given for that purpose; and this is the secret, I believe, which some amongst us are so much afraid of having discovered; but will the discovery of this secret be attended with any mischievous consequence to the nation? Can the enemy from thence get any advantage? on the contrary, Sir, if this secret be not now discovered; if those who neglected, or did not know how to take care of our trade in time of peace, be left to take care of it in time of war, this

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nation must suffer many losses in trade, and the enemy must reap many advantages, which neither we should have suffered, nor they have reaped, if proper care had been taken to prevent it. This is a consequence, and a fatal consequence, which reason may convince us of, and it is, in my opinion, confirmed by what has already passed since the war began; for if the enemy, in every four months, during the continuance of the war, should be able to take as many of our merchant-ships, as they have done in the four months since it began, I am afraid, we shall neither get honour nor advantage by the war, and in the mean time our trade will be utterly undone.

As for the handle the enemy may get from these papers, for throwing the blame of the war upon this nation, it is impossible to suppose they can get such a handle from these, or from any papers that can be laid before parliament. The cause of the war is now so well known, that it is needless either for them or us to dissemble or disguise it any longer. The non payment of the 95,000*l.* stipulated by the convention, was not the cause of the war; but the unavoidableness of a war, without giving up the point of search, was the cause of that non payment. It is known to all Europe, as well as to every man in this nation, that the two principal points in dispute between Spain and us, were reparation for past sufferings, and no search in time to come. The Spaniards, I believe, were from the beginning resolved to grant us neither the one nor the other, but were willing to negociate with us as long as we pleased, because, in the mean time, they had an opportunity to enrich themselves by the plunder of our merchants; and though a suspension at least of searching till the point of right should be determined, ought to have been a preliminary to any negociation, yet we not only entered upon a negociation, but have concluded two treaties with them, without stipulating so much as a suspension of searching our ships upon the open seas. In this manner we continued to negociate with them for almost 20 years, and would, I believe, have still continued to do so, if the spirit of the nation had not at last risen up against this tedious, hopeless, and unequal method of negociation; for the late convention gave us nothing but a new fund for negociation. It gave us no security, it gave us no satisfaction, it gave us no reparation, but what the Spaniards themselves had before acknowledged to be justly due to us. Before this convention was concluded, the king of Spain himself had allowed six of our ships to have been unjustly seized; these six ships, I suppose, he reckoned worth 27,000*l.* and this was all the reparation he would agree to give. If we would accept of this reparation, release all other demands, and leave the point of search, as well as all other disputes, to a new negociation, the Spaniards were willing to conclude a treaty or convention with us; and so fond were we of having a treaty of some sort or other, that we agreed to these terms. But though this treaty was not censured, as in my opinion, it ought to have been, within doors, yet it was so much censured, and so loudly and generally exclaimed against without doors, that our ministers saw, the nation would neither give up, nor bear to negociate any longer about the point of search, nor would it bear with seeing the South-Sea company made a sacrifice of to the unjust resentment of the court of Spain.

This the court of Spain were sensible of, as well as our ministers; and as the court of Spain were resolved not to yield to us in either of these points, they saw, that a war was unavoidable, even though they had paid the 95,000*l.* stipulated by the convention. Therefore, as I have said, it was not the non-payment of that sum that was the cause of the war, but it was the unavoidableness of a war that was the cause of that non-payment; and it was the court of Spain's obstinately insisting upon these two points, which of their side were most unjust, that was the cause of a war becoming unavoidable. This every man of sense, both abroad and at home, is fully apprized of. It is the unjust obstinacy of the court of Spain, that must, by every one, be looked on as the cause of the war; but whether that obstinacy was occasioned by the conduct of our ministers, is a question of a different nature, and a question that will, I hope, be soon examined into, in the only place where such a question can be properly examined, I mean, a free, an independent, and an unbiassed British parliament.

Considering the power of the two nations; considering the incapacity of Spain, either to hurt this nation, or to defend itself against us; and considering how severely it has, in former reigns, felt the weight of our resentment, it must be allowed, Sir, that the obstinacy of the court

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of Spain, in points that are so manifestly unjust, is both surprizing and unaccountable. It must be allowed to be a sufficient cause for suspecting the conduct of our negociators, and as suspicion is a good cause for a parliamentary enquiry, for this reason, if there were none other, their conduct ought to be strictly enquired into, and all papers necessary for that purpose ought to be laid before us. But according to the hon. gentleman's way of arguing, it will always be too early or too late, to call for any papers that may give light into the conduct of a minister. Whilst he is alive, and entrusted by the crown, it will always be too early for this House to call for any papers relating to his conduct, because you may thereby discover the secrets of the government. In time of peace you may thereby disturb, or render fruitless, his negociations for preventing a war; and in time of war, you may thereby discover his schemes for carrying it on. Thus, whilst he is alive, and favoured by the crown, it will always be too early to call for any papers relating to his conduct; and after he is dead, I am sure, it will be too late to enquire into his conduct. At this rate, Sir, you must never enquire into the conduct of any minister, whilst he continues in favour with the crown; and if this should be laid down as a maxim, it would destroy the chief use of parliaments. The nation would have no legal way left of getting rid of a weak or wicked minister; and if this should ever come to be our case, it would be ridiculous in us to boast of the happiness of our constitution, or to say, we are a free people.

For this reason, Sir, I hope the arguments which the hon. gentleman has been pleased to make use of, will have no weight, either in this case, or any other of the like nature. But in this case, there is not the least room for making use of such an argument; because it is impossible to suppose the papers, now called for, contain any secrets that ought not to be discovered, without supposing our ministers to have been guilty of great weakness, and this, I hope, the hon. gentleman is far from supposing, or desiring others to suppose.

Mr. *Robert Tracey*:

Sir; the very argument the hon. gentlemen have made use of in favour of this motion, is with me an argument for being against it. They say, it is necessary to make a solemn parliamentary enquiry into the late conduct of our public affairs, and therefore, it is necessary to have these papers laid before us. Now, I think, it is not in the least necessary to make any enquiry into the late conduct of our public affairs, and therefore, I think there is no necessity for our having these papers, or any other papers of the like nature laid before us. I entertain no suspicions, that there was either weakness or wickedness in any of our late measures: I think they were all as prudent and as right as could be expected from human wisdom; and I have this comfort, that my opinion has always been, and, I hope, still is the opinion of parliament. I do not remember that any one public measure has lately been taken, but what has had the previous consent, or the posterior approbation of parliament; and therefore I can see no reason why we should interrupt our ministers in the prosecution of the just and necessary war we are now engaged in, by putting them upon their trial before this assembly.

I can find no fault, Sir, with any part of the conduct of those who are now our ministers, but I am really surprised at the conduct of those that oppose them, and who are now the advocates for this motion. They seem in their conduct, or at least in some part of it, to imitate a man whom, I am certain, they do not like. The king of Spain, Sir, seems to have laid it down as a maxim, that he may abdicate the crown, and take it up again, whenever he thinks fit. He has already done so once; but if he abdicates a second time, I hope they will not again give him leave to resume. I hope he will be served as a neighbouring monarch was, who, it is thought, had likewise a design of reascending the throne, but was prevented by being locked up in a castle. The gentlemen in the opposition, like the king of Spain, have once already retired from their seats in this House, and like him too, have again resumed them: if they do so a second time, I think they ought to be taken at their word, and prevented from having it in their power to return. The king of Spain, and his queen together, ever since he resumed the crown, have been raising continual broils and disturbances in Europe: in this too these gentlemen seem to imitate him: they seem, I think, to come here only with a design to raise disturbances, and to impede and retard the public measures, at a time when every engine of government ought to be

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left to act with the utmost vigour and freedom. Even this motion I must look on as a prosecution of the same design, and therefore, I shall be against our agreeing to it.

Mr. *George Heathcote:*

Sir; whatever the hon. gentleman who spoke last may think, whatever the majority of this House may think of our late public measures, I am very sure the majority of the nation do not approve of them. The majority of the nation not only disapproved of the pacific, negotiating humour that for so many years prevailed amongst us; but they did, they do still suspect, that our negotiators were either most egregiously imposed on by the court of Spain, or induced from some private motives of their own, to continue negotiating, and suffering our merchants to be plundered, after their being fully assured that their negotiations could have no success. If the former was their case, they were guilty of a most pernicious weakness; if the latter, of a most heinous wickedness. This is the way of thinking with almost every man without doors, nay, it is the way of talking with almost every man without doors, that is not paid for talking otherwise; and indeed the very nature of the case must, in my opinion, make every man think so, whatever way he may talk. It is now almost twenty years since the Spaniards set up their pretence to a right of searching our ships in the American seas, and seizing and confiscating such as had what they were pleased to call contraband goods on board. It is almost twenty years since they began to exercise this right, and they have continued to exercise it without interruption, and with great success, except when they suspended it, that they might afterwards reassume the exercise of it with the more safety.

If they had only set up such a right, Sir, without making use of it, or if the use they made of it had done no immediate prejudice to this nation, we might have negociated with them about it for some years, we might have delayed insisting peremptorily upon their giving it up in express terms; but, as they not only set it up, but made use of it; and as the use they made of it was infinitely prejudicial, as well as dishonourable to the nation, it is amazing that we did not bring them to a positive declaration upon this head many years ago: one would really think our ministers were infatuated, and cannot help concluding, that they must either have been most egregiously imposed on by the court of Spain, or that, with their eyes open, they sacrificed the rights, the honour, the trade, and the navigation of their country, to some private views of their own. Before this dispute came to an open rupture, frequent attempts were made in this House to enquire into this part of our minister's conduct, and motions were frequently made for having such papers laid before us, as were necessary for that purpose; but, we were then told, that the laying such papers before us would interrupt the course of our negociations, and would, probably, make a war unavoidable, which might be otherwise prevented. This always prevented any enquiry into the conduct of our negociators, during the course of their negociations; and, now we are told, you must not have the papers necessary for such an enquiry laid before you, because it will discover those schemes that have been concerted by our wise minsters for carrying on the war.

Sir, an hon. gentleman has already shewn, that it is impossible to suppose any such discovery can be made, by the papers now called for; but I will go farther, I will insist upon it, that such a discovery, if it were made, could do us no prejudice, but that on the contrary, it may be of great service. We have no occasion, Sir, to make a secret of any of our designs against the Spanish West Indies, and there, I hope, most of our schemes against Spain are, and will be laid. Suppose our ministers had, during their late negociations, concerted such hostile schemes, and suppose they were so weak, as to communicate those schemes to our sea-commanders, our governors, or our consuls, and to have sent instructions for carrying them into execution, before they knew whether they were to be executed or no; for though they may be wise, I do not take them to be conjurors, and, therefore, I cannot suppose, they knew what resolutions the court of Spain would come to, upon our making a peremptory demand. I say, suppose all that in this case can be supposed, is it, now that war is declared, in the power of Spain to prevent the execution of such schemes, or to take any measures for rendering the execution more difficult? Suppose we had concerted a scheme for making an attack upon the Havanna, upon Carthagena, Vera-Cruz, or any of the other Spanish settlements in America, could the Spaniards now send a reinforcement of

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troops to any of those places, if we take proper measures to prevent it? Whilst we are masters at sea, it is evident they cannot; therefore a discovery of such schemes can do no prejudice, but may be of service to the nation, because it may frighten the court of Spain into a compliance with our just demands, which is the only way they have, or can take for preventing the execution of them.

The obstinacy of the court of Spain, during the course of our negociations, I am convinced, Sir, proceeded entirely from the ignorance or the timidity of our negociators, which gave that court reason to think, either that we did not understand our own rights, or that we were afraid of endeavouring to vindicate them by force of arms; and now that war is declared, I am convinced, that their obstinacy in continuing the war, rather than submit to reasonable terms, can proceed from nothing but a belief, that we either do not know how to prosecute the war, or that we dare not prosecute it in the proper way, for fear of disobliging their friends the French, If from a discovery of our schemes, it should appear, that we both know how to prosecute the war, and dare prosecute it in the proper way, which, I hope, will appear, whenever our schemes are discovered, I am persuaded, it would put an end to the obstinacy of the Spaniards, and, consequently, to the present war, which must be allowed to be inconvenient for us, but it may, probably, be fatal to them. Therefore, there can be no danger in our having the papers now called for laid before us: without them, or, at least, most of them, we can have no satisfaction as to our past conduct; and whatever we may think about it, we ought to have some regard to what our constituents think of it: many of them have suffered by the tediousness of our negociations: most of them complained of our continuing so long to negociate, under the insults and depredations we were thereby exposed to; and as our negociations now appear to have been fruitless, those that are to suffer by the war have reason to ask, why they were made to suffer so much by the peace? In this they expect satisfaction from parliament, and if they should be disappointed, they will, I fear, have the same opinion of us, that most of them, I believe, have of our late negociators: they will think, we have a greater regard to our own ease and tranquillity, than we have to the honour of the nation, or the happiness of the people; which is a character I shall always endeavour to avoid, and, therefore, I must be for agreeing to the motion now under our consideration.

Sir *John Barnard:*

Sir; I have always attended my duty in this House, and always shall, as long as the people freely and voluntarily do me the honour of chusing me one of their representatives; but if we are never to enquire into the conduct of any minister, till that minister, or the crown, gives us leave to do so, our attending here, or our meeting together in this House, will be of very little signification to the people; for, I may venture to prophecy, that if ever we should have a House of Commons so complaisant to the crown, as not to enquire into the conduct of any of its ministers, without a *Congé* for that purpose, such a House of Commons will be as complaisant in every other respect; and will consequently agree to every law the crown may be pleased to propose, and to every grant the crown may be pleased to demand, and insist on. Like some of the petty states in France or Germany, we may make humble remonstances to our sovereign, and represent our inability to comply with the free-gift demanded of us; but when our sovereign, or his prime minister, says, it must be done, we may depend on it, that such a House of Commons will always submit and agree to what is demanded of them. The gentlemen of the other side of the question should be cautious of mentioning any thing that has been lately done in Spain, for there are many things now done in that kingdom, which neither would nor could be done, if their Cortez had preserved their ancient freedom and independency; and, if the maxims these gentlemen have been pleased to advance upon this occasion should ever be received in this kingdom, our parliaments will soon become as complaisant to the crown, and of as little use to the people, as the Cortez now are in Spain.

A parliamentary enquiry into a minister's conduct is, I find, very much mistaken by the gentlemen who oppose this question. Sir, it is not a trial: It is a sort of debt which every minister owes to the public. A minister is a sort of agent or steward for the public; and is not every steward obliged to give an account of his stewardship? When a lord happens, upon the general view of his affairs, to be perfectly satisfied with the management of his

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steward, he may save himself the trouble of examining, or appointing others to examine particularly into his steward's conduct and accounts; and, in the same manner, when a nation happens, upon the general view of public affairs, to be perfectly well satisfied with the conduct of its ministers, there is no necessity for a particular enquiry into their conduct; but, will any gentleman say, this is our case at present? Sir, our conduct as members of this House, is not in this case to be directed by our own opinion. This House is not the lord to whom our ministers are to answer for their conduct. The people is the lord to whom they are to answer, and we are appointed by the people to examine into their conduct and accounts. Therefore, when the people in general or a great part of them, seem dissatisfied with the conduct of public affairs, it is our duty, whatever we ourselves may think, to make a strict and impartial enquiry into the conduct of our ministers, and to call for all papers that may be necessary for that purpose. This is not subjecting our ministers to a trial, it is only making them give an account to the people, of their stewardship, which is an obligation they lay themselves under, when they accept of being the ministers of the crown, and consequently the stewards of the people; and they ought to be ready to perform this obligation, when, and as often as the people may please to require it. I am sorry it is not performed much oftener than has been usual of late years: I am sure, the oftener it is performed, the more it will redound to the honour of a good administration, the better safe-guard it will be to the people against the frauds and oppressions of a bad one.

In private life, Sir, we know that a good and faithful steward is desirous of having his management and accounts examined and settled as often as possible: No man that has honest intentions desires to have long, or will have perplexed accounts; and therefore, an examination of them can give him no concern, nor can it give him much trouble, or take up any considerable part of his time. In public life, I am convinced it will always be the same: when there is no fraud nor mystery in a minister's conduct, he will be desirous of having it often enquired into: Such examination can give him no trouble, nor take up any part of his time; because his papers, his vouchers, his measures may be easily understood, and will justify themselves. Therefore, when I find ministers cutting and shuffling, and making use of all their art to prevent an examination into their conduct, it will always be, with me, a strong argument for an immediate and strict enquiry. But now, it seems, we must not enter upon an enquiry, because it will take off the thoughts of our ministers from the prosecution of the just and necessary war we are at present engaged in. Sir, I am surprized to hear this argument made use of; for, it is very well known, that none of our generals or admirals have had any chief concern in our administration for these several years, nor has any one of them ever once been employed in our negociations; therefore their thoughts can be no way taken up by an enquiry into our late conduct, and I must think, that in time of war, our generals and admirals ought to be his majesty's chief counsellors. I wish they had been so for some years past: If they had, we should not, I believe, have suffered so much by our negociations. If the advice of some of them had been followed, I am convinced, the war would have been begun and happily ended long before this time; and, for this reason, I do not know, but an enquiry into our past conduct, may be one of the best things we can do for the public good, because it will take up the time of our negociators, and prevent their interrupting our generals and admirals in the prosecution of the war.

It is not possible, Sir, for our ministers, with all their art, to shew, that an enquiry into their pacific conduct can be attended with any one disadvantage to the nation: and, if any great part of the people appear dissatisfied with their conduct, I have shewn, that it is our duty to enquire into it. Will any gentleman say, that no great part of the people appear dissatisfied with our long and tedious negociations? While these pacific measures were carrying on, the people appeared dissatisfied with them, and openly shewed their dissatisfaction by many petitions presented to this House. Is it possible to suppose, they are now less dissatisfied than they were at that time? If our pacific measures had ended in an honourable and solid treaty of peace, they might at last have given some satisfaction: the people would have forgot and forgiven the insults and losses the nation was exposed to, by the methods that were taken for obtaining so good an end. But our negociations ended in a most insignificant Convention, which was called the prelimi-

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naries to a definitive treaty of peace, but it has since appeared to be the preliminaries to a dangerous war. In these circumstances, is it not natural for the people to enquire, what hopes, what foundation we had for continuing a pacific negociation for so many years, under all the disadvantages of a real war; Is it not natural for the people to enquire, how we came to allow the Spaniards quietly, on our part at least, to wrest from our ancient ally the emperor, the rich and beautiful kingdom of the Two Sicilies? Is it not natural for the people to enquire, how we came to put ourselves to the expence of sending a large squadron to conduct don Carlos triumphantly to the possession of that kingdom? And all this, without their giving us the least satisfaction as to any one point between them and us. Sir, the people will enquire into these things, and if you do not give them satisfaction by a previous parliamentary enquiry, they will condemn as well as enquire: they will go farther, they will condemn you, as to your characters at least, for not having condemned such a weak and pernicious conduct.

The hon. gentleman, Sir, that spoke first against this motion, mistook the case very much when he said, the Convention was approved of by parliament. If such a question had been put, it would not have passed. If the question had been put in express terms, approve or disapprove of that treaty, it would, I am persuaded, have been disapproved of, even by this House: it was disapproved of by the whole nation. I am surprized to hear it now said, that we got by that treaty any reparation for past injuries, or any security against future. If the Spaniards had paid us the 95,000*l.* thereby stipulated, we, or at least our South Sea company, must have paid them back 68,000*l.* of that sum, or have lost their right to the Assiento contract; that all the reparation promised was only 27,000*l.* which was not near equal to the value of the six ships, the Spaniards had before acknowledged to have been unjustly seized. Thus it is evident, that no satisfaction or reparation was so much as stipulated for the injured honour of the nation, and a very insignificant one for the losses of our merchants. Then, as to the point of search, no security against it was so much as stipulated: it was expressly referred to be regulated by plenipotentiaries; that is to say, it was on our part tacitly given up. We got nothing therefore by that Convention, but a new fund for negociation, as an hon. gentleman has already said in this debate; and this our ministers would, I believe, have remained satisfied with, for some years longer, if the spirit of the nation would have given them leave; but they saw they durst not continue to negociate any longer upon the former footing, and Spain would treat with them upon no other.

This, Sir, was the true source of the war. Spain did not refuse to perform her part of the Convention, because she thought it good for us, but because she saw that her making the stipulated payment would not prevent a war, unless she likewise did us justice with respect to the other points in dispute. This she resolved not to do, and therefore she resolved not to put 95,000*l.* into the hands of a people from whom she expected an immediate attack. This, Sir, was the true reason why Spain did not pay us the 95,000*l.* at the time appointed; but, when I am thus considering the reason why Spain did not make that stipulated payment, I cannot but observe, that in all her manifestoes, she attributes that non-payment to agreements which the parliament never heard of; and this furnishes us with a new, and a very strong argument for enquiring into our negociations, previous to that Convention, in order to see whether the court of Spain have any just ground for alledging and insisting upon such agreements; for if they have, we ought at least to censure those that made such agreements, before we punish Spain for insisting upon them.—Thus, Sir, in every light the question can be put, it appears necessary for us to enquire into our late pacific conduct. In no light can it be supposed, that such an enquiry will be attended with any danger or disadvantage to the nation; and, as the papers now called for are necessary for our information, upon such an enquiry, therefore, I hope, the motion will be agreed to.

Sir *Robert Walpole*:

Sir; I had not the good fortune of being here upon the first motion, but I have been informed of it, and of the fate it met with. I think the House was much in the right in putting a negative upon it, and, I hope, you will do the same with regard to the motion now before you. The question is not about the right this House has to enquire into any public measure, or into the conduct of any public minister. I hope I shall never see this right disputed

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hereafter, though it has been in former times warmly contested and positively denied. But these times, thank God! are over: our happy constitution is now so well understood, and the rights of this House so firmly established, that no man, I believe, for the future, will ever deny our right to enquire. But there may be such a thing as an improper or imprudent enquiry; and the question now before us is, whether it would not be improper to enter upon any such enquiry at this time, and whether it would not be imprudent to make a public enquiry into the conduct of our negociations with Spain.

For my own part, Sir, I should be extremely glad to have those negociations enquired into in the most strict, the most impartial, and the most public manner, if no damage could from thence ensue to the nation. This, I say, I should be extremely glad of, because I am convinced, it would redound very much to the honour of his majesty, and of every one employed by him in carrying on those negociations. On his majesty's part nothing would appear but the utmost candour, the utmost regard for the rights of his people, and the most tender concern for their tranquillity, safety and happiness: whereas, on the part of Spain, there would appear nothing but quibble, chicane, and the most disingenuous manner of treating: seeming to grant one day what they denied the next; and continual repeated promises, that all should be made easy in a little time. It is to this that we are chiefly to ascribe the tediousness of our negociations. His majesty, from his concern for the peace and welfare of his people, was unwilling to come to a rupture with Spain, as long as there were any hopes left of being able to accommodate all our disputes with that nation in an amicable manner; and these hopes were kept alive by the repeated assurances given, from time to time, by the court of Spain, and the plausible excuses they were furnished with, from the great distance of the places where proper enquiries were to be made, and from the imperfect accounts sent them by their governors in America.

These assurances and excuses, I say, Sir, prolonged our negociations, and prevented his majesty's resolving to have recourse to arms, till he saw there was no depending upon any promises they could make, or upon the most solemn treaty that could be concluded with them; and therefore, I am convinced, a parliamentary enquiry into these negociations would redound very much to the honour of every gentleman that was concerned either in advising or carrying them on. But I must beg leave to think, that they are not a fit subject for a parliamentary enquiry, nor is the present a proper time for the parliament's entering upon a disquisition into any public measure. In all cases of a foreign nature, we ought to be extremely cautious of resolving to enquire into them, in a parliamentary way; because no such enquiry can be carried on, without running a great risk of discovering secrets that may give foreign courts a great advantage over us, and such, perhaps, as may render every court in Europe not a little shy of entering into any negociation with us. When we have a minister at a foreign court, it is often necessary for him, in his letters, to give an account of the personal characters, the particular interests, and the private conversations of the ministers and favourites of the court at which he resides; and, I must beg of gentlemen to consider, whether foreigners would think it either decent or honourable in us, to expose such letters to public view, and whether it would not make every court in Europe extremely shy of entering into any future negociation with the court of Great Britain.

I could mention many other circumstances, Sir, which must always make it inconvenient and hazardous, to set up a parliamentary enquiry into any foreign measure, but what I have said will, I hope, be sufficient for convincing you, that no such enquiry ought to be set up, unless the measure appears to have been monstrously absurd, and that, by such an enquiry, some methods may be found for repairing the damage the nation may have suffered, or preventing the danger the nation may have been led into by that foreign measure. Let us now examine, if either of these be the case, with regard to our late pacific conduct, as gentlemen are pleased to call it. Surely, it cannot be called monstrously absurd, because it is but two years ago, that this very House of Commons advised his majesty to continue his negociations, and to use his endeavours with his Catholic majesty, to obtain effectual relief for his injured subjects. According to this advice, his majesty renewed his endeavours to obtain redress in an amicable manner, and the court of Spain now finding that bare promises or assurances would not do, they carried their disinge-

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nuity such a length, that they actually agreed to, and signed a solemn treaty, within a year after this advice was given to his majesty, by his parliament.

Whether the Convention was a right treaty or no, is not the question now to be determined, but, I am sure, this House cannot call it monstrously absurd; because though we did not in express terms approve of it, we so far approved of it, that we advised his majesty to proceed upon it; and upon the footing of that treaty, our plenipotentiaries immediately insisted upon the crown of Spain's giving up all pretences to any right of searching our ships in the American seas; so that I cannot see, how we can now so much as find fault with that treaty, or with any of the negociations that either preceded or succeeded it. But, upon this occasion, Sir, I must observe, that some gentlemen are so sanguine, and so much wedded to their own opinion, that they never think there can be any thing in what is said against them; and for this reason, I believe, they never examine the arguments or objects of their opponents with attention. For my part, I am not so sanguine: there is no opinion of mine, where I will not admit, that there may be something in what is said against it. This is my case, with regard to the Convention. There was, perhaps, something in what was said against it; but upon the whole, I then thought, I still think, the argument in its favour was stronger and better supported, than the argument against it. By accepting that treaty, we have rendered Spain inexcusable; whereas, if we had begun hostilities when such terms were offered us, I am afraid most courts in Europe would have laid the blame of the war at our door.

Having now shewn, Sir, that our pacific conduct, or our negociations, tedious as they were, cannot, by this House, be called monstrously absurd; I shall next examine, whether we can, by enquiring into these negociations, repair any damage the nation has suffered, or obviate any danger it lies exposed to. If such an enquiry could any way contribute to our success in the war, or to the bringing about a speedy and honourable peace, I should be as much for it as any gentleman in this House; but in my opinion, it may do us great prejudice in both these respects. It may unfold such secrets, as will make some of the powers of Europe our enemies that are now our friends, or such as may instruct the enemy, not only how to defend themselves, but how to hurt us; and though none of our generals may be directly and personally concerned, yet, such a public contest as such an enquiry must necessarily occasion, will take off the attention of the whole nation from the prosecution of the war, and may raise such heats and animosities amongst ourselves, as will be a great hindrance to us, and a great advantage to the enemy; which fatal effect we shall have the more reason to dread, when we reflect, that there was never yet a parliamentary enquiry, which did not produce one party that thought they had discovered great crimes and misdemeanors, and another party that thought they had discovered none.

This, Sir, leads me naturally to consider the propriety of the time for making the enquiry proposed. Suppose our late negociations with Spain were a proper subject for a parliamentary enquiry, which, I hope, I have shewn, they are not; yet, I cannot think, any gentleman will say, that the very beginning of a heavy and dangerous war, is a proper time for us to set up such an enquiry into any affair, either of a foreign or domestic nature, especially when it cannot be said, that there is the least danger in delaying it, or that we can reap any benefit or advantage from it, except the satisfaction of punishing those that were concerned in these negociations, in case it should appear that they have injured their country by their crimes, their neglect, or their imprudence. Public justice, I shall grant, must be a satisfaction to every one who wishes well to the public; but a delay is no pardon; and, I hope this war will not be of such a long continuance, as to out-live all those who were concerned in the negociations that preceded it. A proper and seasonable time will come for enquiring into any or all of our late public transactions: I hope it will come before any of those persons are dead, that were concerned in our late negociations, and when that time comes, if an enquiry should appear necessary, I shall most readily concur in it; and, if any of our negociators should appear to have been guilty, either of weakness or wickedness, I shall be as ready as any gentleman in this House, to censure or punish them.

For these reasons, Sir, I think it would be both improper and imprudent in us, at present, to make a parliamentary enquiry into any late public transaction, either foreign or domestic; and however general the complaints, or the suspicions may be

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among the people, against our late pacific conduct with regard to Spain, we ought not, I think, in this House, to do any thing that is either improper or imprudent, for the sake of giving satisfaction to those that appear dissatisfied. But, I do not believe, that the dissatisfaction with those measures, is general among the people without doors, or that it, in any degree, prevails among the better sort of people in the nation. Those few amongst us that suffered by the Spanish depredations in time of peace, were, I believe, displeased with our continuing to negociate after they had suffered, and I do not at all wonder at it; for it is natural for men to judge of the public interest, from their own private interest and passions; but it is the duty of those who are at the helm of public affairs, to lay aside all private regards, either of their own, or of any man else, and to consider the public interest alone. I wish we could always do so in this House; if we did, we should judge more candidly of one another's intentions, as well as of the intentions of our ministers; for, I am sure, it is more their interest to consult the public good in all their transactions, than it is the interest of any other set of men in the kingdom, because not only the interest of their country, which is common to them on other subjects, but their personal safety and glory depends immediately upon their doing so. Therefore, when we are to direct our conduct in this House by the opinion of our constituents, if ever such a case is to be admitted, we should consider seriously, not only the general prevalency of such opinions, but whether or no they are founded upon particular interests, or popular prejudices; and, if we do this, I am convinced, we shall find no cause to shew any regard to the complaints or suspicions without doors, against our late pacific conduct.

But now suppose, Sir, that the present were a proper time for enquiring into the conduct of our late negociations, and that we ought in prudence to do so, yet I cannot think it would be either proper or necessary for us to call for the papers now moved for; necessary it cannot be, Sir, with respect to most of the papers called for; because the letters and instructions to our governors, admirals, or consuls, can have nothing to do with our negociations; and if they were necessary, I do not think it would be proper at this time to call for them. Upon this subject, Sir, it is hardly possible for me to speak without running the risk of being misunderstood, so ready are gentlemen to mistake suppositions for assertions. However, as we had one squadron in the Mediterranean, and another in the West-Indies, I shall suppose, that there might have been orders or instructions sent to admiral Haddock in the Mediterranean, or to commodore Brown in the West-Indies, to execute some design against the Spaniards, in either, or both these places, as soon as they should hear from our minister at the court of Spain, that the negociations were broke off without any effect. This, I say, I only suppose; I must desire gentlemen to take notice, I do not assert; but it may be supposed, because a messenger could go much sooner from Spain to either of these admirals, than he could come to London, and from thence back again either to the Mediterranean or West-Indies. Though the Spaniards at that time prevented the execution of those designs, by their agreeing to the Convention, yet now that they have broke that very Convention, those designs, if there were any such, or something like them, are certainly proposed to be executed; and if so, it would certainly be very wrong to have them discovered, by having the papers now called for laid before us, before they are or can be executed. In such cases I shall grant, that his majesty is the proper person from whom this House is to take an answer; but I shall never be for calling for papers, when I think it highly probable, that his majesty cannot order them to be laid before us, without unfolding secrets which ought not to be discovered; and as I take this to be the case with regard to the papers now called for, I must be against the motion.

The Motion was negatived without a division.

Mr. *Edmund Waller* then rose and said:

Sir; notwithstanding the bad success my worthy friend has met with in his motion, yet I will offer another, and I do it with the more assurance, because the motion I propose to make, relates but to one particular point, and cannot discover any of our deep-laid warlike designs, nor any secret that can be of dangerous consequence to the public. It can discover no secret design, unless it be a design to sacrifice the South Sea Company to the success of our negociations; and, if there was any such design, I am convinced every gen-

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tleman will think, it would be of more dangerous consequence to the public to have it remain concealed, than to have it now revealed. But before I make my motion, I must obviate some of the objections that were made by the hon. gentleman who concluded the last debate, against enquiries in general. If his objections were to hold good, it would never be prudent in this House to enquire into the conduct of any foreign affair, for in every such affair, there may be secrets in some of the letters or papers relating to it, that ought not to be published for a century, at least, after its final conclusion. But in all such cases, we have a remedy which may be easily, and has been often applied. When upon our address, his majesty answers, that several of the papers called for contain secrets which ought not be discovered, we may name a Secret Committee to inspect such papers, and to report such parts of them only, as are necessary and fit to be communicated; and a secret which regards the public safety or welfare, may be as safely entrusted to a select Committee of this House, as to any Committee of his majesty's privy council. The danger of a discovery can therefore never be a solid objection to our enquiring into any affair, either of a foreign or domestic nature; and much less can it be an objection to our addressing for any papers; because, till we have his majesty's answer, we cannot know, nor ought we to suppose, they contain secrets which ought not to be discovered.

I shall always think, Sir, notwithstanding the fate of the two former motions, that it would be wrong in this House to refuse calling for any papers, because some amongst us say, they think it probable, that such papers contain secrets, which ought not to be discovered. It was, in my opinion, so far from being highly probable, that I think it was impossible the instructions to our admirals could contain any secret schemes or designs; because no such schemes or designs have been, as yet, executed with the utmost expedition: in case our negociations should have broke off, surely they ought to have been executed with as much expedition, after the Convention's being broke through. It is now six months since the Convention was openly broke through by the Spaniards, and as we have, as yet, heard of the execution of no hostile schemes, I must believe, there were none such formed, and much less communicated to our admirals or governors, till after we found, that the Spaniards would not perform what they had so expressly agreed to in the Convention.

I beg pardon, Sir, for touching upon what is past, but as it may be of some weight with respect to the motion I am to make, I hope the House will excuse me. The hon. gentleman asked us, what advantage can we expect from an immediate enquiry, besides that of punishing the guilty? which he says we may do afterwards as well as now, if any should then appear to have been guilty. I will tell him one advantage, Sir, which we may reap by an immediate, and cannot reap by a future enquiry: we shall prevent the guilty from being farther guilty, as they probably may be, if their past conduct is not immediately enquired into. This, Sir, is an advantage of the utmost consequence in our present situation: the nation may be undone by our not laying hold of it: if our pacific measures were carried on by imprudent, pusillanimous, perplexed counsels, what will become of the nation, if our warlike measures be carried on by counsels of the same sort? Besides, before the war can be concluded, we must have new negociations; and, shall we allow our future negociations to be directed and carried on by those who have been guilty of so much weakness in our past? This, Sir, will probably be the case if we do not immediately enquire into the conduct of our past negociations; and therefore, if we do not enquire, I shall expect no success in the war, nor any honour from the peace.

For this reason, Sir, I hope, the hon. gentleman's arguments against an immediate enquiry will have no effect; and, if we should not think fit to make a general enquiry into all our negociations, for fear of discovering secrets that may be of dangerous consequence to the public, I hope, this will be no argument against our enquiring into such parts of them as cannot possibly contain any such secret. Of this sort, I take to be that part of them which relates to the concluding and signing the late convention, under the condition expressed in his catholic majesty's declaration; for that declaration I must look on as a condition annexed to the convention; and, from Mr. La Quadra's, and from Mr. Keene's own letters, some parts of which I shall beg leave to read to you, it appears to have been looked on as such, by the court of Spain, and to have been accepted as such, by him. (Here he read several

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paragraphs from Mr. La Quadra's and Mr. Keene's own letters.) From what I have read to you, Sir, it appears, that the court of Spain insisted upon its being declared, that they had a right to suspend the assiento of negroes, in case our South Sea Company did not subject herself to pay, within a short term, the 68,000*l.* she had confessed to be owing to his catholic majesty. It appears, that they not only insisted upon a declaration of this right, but that they would not trust to his word: they must have it in writing, and the method contrived for that purpose was, that his catholic majesty should make such a declaration in writing, and that he, Mr. Keene, should accept of it, and transmit it to his court, as the condition on which the signing of the convention was to be proceeded on, and in no other manner.

This, I say, Sir, appears from the letters we have already upon our table; and as the South Sea Company neither owed, nor ever had confessed they owed such a sum; as Mr. Keene must have known they did not, because he was agent for them, as well as envoy from his majesty, at the court of Spain; I cannot imagine, how he came to admit of any such right, or receive such a declaration; nor can I imagine, how he could have an authority for so doing; for, regularly, he ought to have had an authority from a general court of the South Sea Company for this purpose, as well as an authority from his majesty's ministers, and the former, I am certain, he never had, whatever might have been his case with respect to the latter.

As this seems to me to have been a very surprising and extraordinary step, and as the papers relating to this part of our negociations can discover no schemes or designs against the enemy, nor any other secrets that can be of dangerous consequence to the public; therefore, I shall conclude, Sir, with moving, "That an humble Address be presented to his majesty, That he will be graciously pleased to give directions, that there be laid before this House copies of all the instructions and letters sent to Mr. Keene, by his majesty's ministers, authorizing him to conclude and sign the convention between his majesty and the king of Spain, on the 14th of January 1739, N. S."

Mr. *Pulteney*:

Sir; as I hear several gentlemen calling out 'No, no, this is the same with the former motion;' I must beg leave to shew the difference: the only objection that seemed to have any weight against the former motion, and, I believe, the only one that prevailed with this House to put a negative upon it, was, the danger of discovering those warlike projects and designs against the enemy, which our ministers had concerted, and which are not yet executed. I am sorry they are not: I am sure, some of them, if any such have been formed, might, and ought to have been executed before this time. Can any gentleman say, we have such a danger to apprehend from the papers now moved for? Can it be suggested, that these papers may contain secrets which it would be inconsistent with the public safety to discover? Sir, they may, for what I know, contain secrets, but if they do, those secrets are the secrets of ministers, and not the secrets of the nation. It is impossible, therefore, to suppose, that the laying of those papers before us, can be attended with any of the bad consequences we were frightened with upon the last motion.

An hon. gentleman near me complained much in the last debate, of gentlemen's talking of weak measures, and the like; and seemed to take all to himself, as if he were the only minister we have in this kingdom, and the chief adviser of all our public measures. Sir, we have other ministers, at least others who have the name of ministers, and, I hope, they deserve the name they bear; for, I am sure, if any one minister should, in this kingdom, take upon him to direct all our other ministers, they ought altogether to be dismissed his majesty's councils; he, for his assuming arrogance; and they, for their tame submission. But, I hope, it is not so, and therefore, when weak measures or corrupt ministers are talked of, the hon. gentleman should consider, that other ministers may be meant, and measures which he had no share in advising or conducting. He likewise complained, that his suppositions were often taken for positive assertions. When this was, I do not know; but, I must observe, that the very insinuations of a minister are often, by his own creatures, taken for positive assertions, and produce the same effect; and as the hon. gentleman, in the last debate, took the liberty to suppose without asserting, whatever effect his suppositions might have, I hope, I may be allowed to take the same liberty. I will not assert, Sir, that any of our present ministers are corrupt, or that any of our past measures were weak; but, I may

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suppose such things. There may be corrupt ministers; there may be weak measures: God forbid, I should assert, there are any such at present in this kingdom; but, if such things can be supposed, it is a good reason for our parliaments to keep a watchful eye upon our public affairs, and to enquire often both into the conduct of our ministers, and the wisdom of the measures they pursue. This is at all times the duty of parliament, but more so in time of war than in time of peace; because weak measures may then do much more mischief; and as ministers have then more money going through their fingers, they may, if they are corrupt, spread their corruption farther, and squander away more of the public money, than they can do in time of peace.

A time of war is, therefore, so far from being an improper time for a parliamentary enquiry, that such enquiries are more necessary, and ought to be more frequent in time of war, than in time of peace. Such enquiries, Sir, never of themselves create parties or divisions in the kingdom, nor do they ever raise any heats or animosities. Indeed, when there are parties already formed upon different principles and governed by different maxims, and one of those parties gets the reins of government out of the hands of the other, and prosecutes the heads of the other, for what they did in pursuance of the principles and maxims of their party, this of course stirs up heats and animosities between the two parties, because all those who have embraced the principles and maxims of the party, must approve of, and consequently will zealously endeavour to justify and support, what was done in pursuance of those principles and maxims. This was the case of the parliamentary enquiry mentioned in this debate; but, is this the case at present? Sir, the enquiry now desired by so many gentlemen in this House, and, I may say, by the whole nation without doors, has no relation to any difference of principles: It can relate to nothing but the good or bad administration of public affairs. No man condemns, no man will condemn the principle upon which our pacific gentlemen pretend to have acted: no man will say, that forcible means ought to be made use of for obtaining justice from any foreign nation, whilst there are hopes of obtaining justice in an amicable way; but, it is said, and loudly said without doors, that our pacific gentlemen did not act upon this principle, or pursued it too far, if they did. This is the question, Sir: Upon this question there will be a difference in opinion, whether we enquire into it or no; and we ought to enquire, in order to put an end to that difference; for, I believe, it will be allowed, that those who approve, as well as those who condemn, are at present in the dark; and as the majority of the nation are now of the latter side of the question, therefore, as a friend to our ministers, I am for a fair and impartial enquiry, because, I hope, it will bring the majority of the nation over to their side of the question.

If there were no cause to suspect our late measures of any weakness, if there were no considerable party in the kingdom, that appeared dissatisfied with them, it might, perhaps, be unnecessary to take up our time with examining into them; but this is far from being the case; there is not only good cause to suspect, but upon the face of the convention, there appears now to be good cause to condemn.

When that convention was last year laid before us, some gentlemen did not, perhaps, consider what was meant by having the point of search referred to be regulated by plenipotentiaries, nor did they consider what was meant by his catholic majesty's declaration that was tacked to the tail of it. But the king of Spain, in his manifesto, has now explained both.

He has told us our plenipotentiaries could not insist upon his giving up the point of search, because by the convention it was expressly referred to be regulated. He has told us, we could not refuse allowing him to suspend the assiento of negroes, in case our South-Sea Company did not pay him the 68,000*l.* because he had expressly, by his declaration, which was a part of the convention, reserved to himself that right. This is the light, Sir, in which all Europe, I believe, considers them; and in this light I then considered them. I then said, that referring a right to be regulated, was an admitting that there was such a right. I then said, that our minister's accepting of the declaration, was an admitting it as a part of the convention, and as the condition upon which the convention was to subsist. We therefore ought to enquire, whether Mr. Keene had a proper order for accepting it: If he had not, he was certainly guilty of a breach of his duty; and, in my opi-

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nion, no minister could give, or advise giving him such an order. The right, the estate of a great company was thereby given away, and will any gentleman say, a minister can give away a person's estate without his consent? If we had been reduced by the misfortunes of war to sacrifice the rights and properties of a few private men to the public safety, something might have been said by way of excuse for such a sacrifice; but surely no minister is wantonly, and without so much as an appearance of necessity, to give up the right or the property of any one subject in the kingdom without his consent. Therefore, as the accepting of that declaration in the solemn manner, the letters that have been read to you, shew it was accepted of, must be allowed to be at least a weakness, I think it absolutely necessary for us to make some enquiry into that affair, and for this purpose we must have the papers moved for, laid before us.

Sir *William Yonge:*

Sir; I am glad of this opportunity to vindicate an hon. gentleman who was concerned in these negociations, and who, from the whole tenor of his conduct, appears to have been as able and as honest a minister, as was ever employed by this nation. As for the convention itself, Sir, he has already been fully justified with regard to every article contained in it, because the whole was approved of by his majesty, and by both Houses of Parliament; and after the solemn approbation it met with from all the branches of our legislature, I am surprized to hear any gentleman now finding fault with it, or with any one that was concerned in the negociation. All the objections that were made to it, were fully answered at the time it was under our consideration; and as the objections now made, are only repetitions of what was then fully answered, it would be wrong in me to take up your time with repeating those answers.

Sir, the hon. gentleman may as well say, that every letter wrote by M. La Quadra to Mr. Keene, was a part of the convention, as to say, that a declaration signed by M. La Quadra only, was a part of a treaty which was concluded and signed by the ministers of both the contracting parties, and ratified by their respective sovereigns.

By such a declaration the king of Spain could neither get a new right, nor the confirmation of any old right. He did not so much as mean to get any such thing. He thereby meant no more, than to reserve to himself a right to suspend the assiento of negroes upon non-performance on the part of our South Sea Company. This he thought he had a right to do, because of the assiento's being a mutual contract; and he thought it necessary to reserve this right by a declaration in writing, because the assiento treaty was, among the rest, mentioned in the body of the convention: But Mr. Keene had nothing to do with this declaration: He did not admit the right which his catholic majesty pretended to, nor did he accept of the declaration with any such view, or for any such purpose. He only promised, he would send a copy of it to his court and another to the South Sea Company. Mr. Keene, therefore, cannot be so much as suspected of having done any thing amiss in that negociation, and as the treaty itself was approved of by parliament, I can see no occasion for our enquiring into the negociation.

But, Sir, suppose there were an occasion for our doing so, can we, consistently with what we have this day already done, agree to the hon. gentleman's motion? The motion seems, indeed, to refer to a particular point, but it will include all or most of the papers referred to in the two former motions; and therefore, the same reason that prevailed with us to put a negative upon them, must prevail with us to put a negative upon this also. Besides, Sir, if Spain could have been prevailed on to have accepted of some few reasonable concessions on our side, I believe it will be allowed, that it would have been prudent in us to have made some such concessions, rather than have come to an open rupture with a nation, we have so much reason to be friends with, and at a time which, I am sure, cannot be called the most favourable for this nation's declaring war. It is, therefore, highly probable that Mr. Keene had instructions to propose or agree to some such concessions: I shall not say there were any such, but, now that war is declared, would it not be unwise, would it not be ridiculous in us, to let Spain know what concessions we were willing to make for the sake of peace? And, if our minister's instructions for this purpose were all laid before this assembly, and ordered to lie on our table, can we suppose, that the court of Spain would not get an account of them? Sir, I make no question, but that copies of them would be sent to that

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court; and this would certainly contribute towards making them more obstinate, and consequently, towards the prolongation of the war; for whatever concessions we might have been willing to make for preventing a war, now it is begun, I hope we shall have no occasion to make any for putting an end to it. I hope the war will be attended with such success, that we shall soon be in a condition to prescribe our own terms. It will probably be so, if we do not prevent or retard our success, by factions and divisions amongst ourselves. But, if Spain should know what concessions we were willing to make for the sake of peace, will she not the more obstinately persist in refusing the terms of peace we may hereafter think fit to prescribe? From hence, Sir, we may see, that it would probably be of a most pernicious consequence to the nation, to have those papers laid before us; and therefore, it must be allowed, that it would be wrong in us to address for them.

Mr. *Sandys*:

Sir; I am extremely surprised to hear gentlemen still insist upon the late Convention's having been approved by parliament. Sir, it was not approved by either House of Parliament: an hon. gentleman in the last debate allowed, that it was not approved; and said, the parliament only advised his majesty to proceed upon the footing of that Convention. Why did they so, Sir? Because that very gentleman and his friends most confidently assured us, that it would, at last, produce a safe and honourable peace. Upon these assurances, the advice of parliament was founded, and not upon any thing that appeared upon the face of the treaty. Gentlemen then thought, that if it should produce a safe and honourable peace, it would in the end appear to be a good treaty; and therefore they would not condemn it, because such a condemnation would have prevented an effect which they were assured of, and which every man desired to see. But these assurances having failed, the foundation the parliament had for giving that advice is taken away; and every one must now join in thinking it a bad treaty, because it put the nation to near half a million expence, without gaining to us the least advantage; unless the war is to be called an advantage, and when compared with our former peaceable negociations, it must be allowed to be so. But even the war is not to be ascribed to that treaty, but to the disdain the nation shewed at seeing such a treaty agreed to; for the treaty itself was nothing but an expedient, for preventing our reaping this melancholy advantage for a while longer, and the advice of parliament was obtained as a second expedient, for preventing the condemnation of the first.

With regard, Sir, to the declaration or protest tacked to the end of this treaty, I remember it was said last year, that it had no more relation to the Convention, than it had to the grand alliance; and this was then, perhaps, believed by many gentlemen in this House: but it now appears, that the court of Spain are of a very different opinion; and, I believe, there is not a civilian in Europe that is not of their opinion. Our minister accepted of it in the most solemn manner; and seeing he did so, he must have accepted it in the terms expressed in the very body of it, as the basis of the treaty, as the condition upon which the king of Spain signed the Convention; therefore, if it was not an article in the treaty itself, it was the chief article in the agreement previous to that treaty. This, I believe, Sir, was truly the case, and if the papers now called for should be laid before us, I believe, it will appear to have been so; for there was a treaty signed by the ministers on both sides, anterior to the treaty afterwards laid before parliament, and in this treaty, if common fame speaks true, this declaration or the substance of it, was an express article; but this was giving up the right of the nation, and the right of the South Sea Company, in so direct a manner, that it was not thought safe to ratify it; and therefore, I suppose, the expedient was agreed to, of having this article annexed to the treaty, by way of protest or declaration.

But, Sir, was not this in effect the same? Was not our accepting, or even admitting such a declaration to be made, a tacit acknowledgment of the right therein claimed? The king of Spain pretended to a right of suspending the assiento contract, upon whatever he may be pleased to call a non-performance, on the part of our South Sea Company. He not only pretended to such a right, but he has actually exercised it: he has suspended the chief part of this contract, almost ever since it was made; and, upon a treaty, he insists on this right being reserved to him, either by an article in the treaty, or by a protestation to be delivered to us in the most

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solemn manner, at the time of his signing the treaty. Could we in honour, or in justice to ourselves, admit of any such thing? Ought we not to have insisted upon his giving up such an unjust claim, by an express article in the treaty? But I do not wonder at our minister's admitting it: the hon. gentleman that spoke last, seems to admit it; and he is, I believe, pretty well acquainted with the complection of our negociators. He told us the king of Spain thought he had such a right, because of the assiento's being a mutual contract. I shall grant, it is a mutual contract; but it is between the two nations: we have appointed the South Sea Company to perform it on our part; if they should fail in the performance of what they have undertaken, the king of Spain is not to suspend, immediately, the contract: he has no right to do so: he ought to apply to our court; and, if the South Sea Company has really failed in the performance, we are in honour obliged to make them perform. If they have not failed: if the complaint against them be unjust, we are in honour obliged to protect them, let the consequence be what it will.

We ought therefore, Sir, to have insisted upon the king of Spain's giving up the right he pretended to; but, instead of this, we allowed him to reserve it in a tacit manner, and allowed him to deliver us a protestation for that purpose. We have, therefore, at least, tacitly, admitted of his claim. The court of Spain thought so: they had reason to think so; and they will accuse us of tricking and shuffling, if we now pretend to deny it. We must now, either acknowledge this right, or give the Spaniards just cause to have a very bad opinion of us. This dilemma the nation has been brought into by our negociators; and, in all such cases, it is the duty of parliament to enquire strictly into the affair, in order that the innocent may be cleared of suspicion, and the guilty meet with condign punishment.

The pains now taken, Sir, to shew, that we never did admit of this claim, is an acknowledgment that it was wrong to do so. Suppose then our minister in Spain did not admit of this right or claim, by accepting of this declaration, yet surely he did so, when he signed a treaty in which the reservation of this right was an express article; and, if he did so, that treaty's not being ratified here, can be no excuse for his having signed it. For this reason, if there was any such treaty, as common fame reports, Mr. Keene is not altogether so blameless as the honourable gentleman represents, unless he had an express order for doing so; and if he had, I am sure those who gave him that order, are not without blame. This is what we want to know: this is what we ought to enquire into; and, for this purpose, it is necessary for us to have the papers now moved for, laid before us.

Is it possible to suppose, Sir, that by an address for the instructions and letters sent to Mr. Keene, authorising him to conclude and sign the Convention; I say, is it possible we can thereby mean or design, to have laid before us all the memorials and representations made to the king of Spain, or all the instructions and letters sent to our governors or admirals, relating to the Spanish depredations, most of which happened before the Convention was so much as thought of? Sir, it is needless to argue with one who can, or will suppose any such thing. But the hon. gentleman has hit upon the true reason that will, I am afraid, prevent our seeing the papers called for, or any other of the like nature. He says our seeing those papers may let Spain see what concessions we were willing to make for the sake of peace. Sir, I believe, we have no occasion to be afraid of Spain's seeing these concessions; I believe, they were before too well acquainted with them; and this, I believe, was the chief cause of their past obstinacy; for, I fear, we made so many concessions, that we made them believe, we would yield any thing rather than go to war. Thank God! we have now convinced them of the contrary; and are, I hope, in a way of making them more pliable for the future. But if we were willing to make any concessions which Spain has not, as yet, been made acquainted with, I can see no danger to the nation, if they should be published to the whole world. They may shew too great complaisance, perhaps pusillanimity, in our ministers, but they will serve to justify the nation to the whole world; and with regard to Spain, I hope, we shall never more think of conquering their obstinacy by negociation. Now that war is declared, if one blow does not make them submit, we must, as soon as possible, give them another; and if that will not do, a third, which, I am convinced, is the speediest and the best way of negociating a peace with that nation. We cannot therefore be afraid of

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Spain's seeing what concessions we were willing to make for the sake of peace; but there may be some amongst us who are afraid, lest the nation or parliament of Great Britain should see what concessions they were willing to make for the sake of peace. Here, I am convinced, it is, Sir, that the shoe pinches; but as this shoe neither pinches me, nor any of my friends, and as, I think, the parliament ought to guard against any such concessions being made for the future, therefore, I am for our seeing them, and every paper that can give us a light into any of them.

Mr. *Lyttelton:*

Sir; it is most amazing to me, to hear it said, that this question is the same with the two former: whereas, it is a single question, wholly confined to one particular point. The objection made to them was that they would shew our enemies where we intended to hurt them, and thereby put them upon their guard; but what does this do? It can only shew this nation how we have been served by our own ministers, and put us upon our guard against them, if they have not served us so well as they ought.

Sir, I always thought it very necessary we should go into a war against Spain, but I am much confirmed in my opinion, from what has happened to day in this House; for what a condition should we have been in, if we had still continued those negociations, which, though they are now quite over, are thought by those who favoured them most, to be of such a nature as will not bear seeing the light? And therefore, I really think, we are obliged to the insolence of Spain, who, encouraged by our long insensibility, refused to give us the mess of pottage, for which we were so near selling our birth-right. For what a dreadful situation should we have been in, if she had not? The South-Sea Company must either have lost all the rights of their trade, or have been obliged to comply with the most monstrous demand, that ever was made upon any body of men under the protection of the king of Great Britain. Gentlemen talk of a right in the king of Spain, to suspend the assiento contract: Yes, he had such a right, if the company had failed in their part of the contract; but not for their refusing to pay the 68,000*l.* And yet, to this injustice, this violence, the company must have submitted, with the reciprocal accord of their own agent, and his majesty's minister.

Sir, the two most astonishing propositions I ever heard in my life, are, that the address we carried last week to the king was, in reality, a part of the Convention, and that the Protest of Mr. La Quadra, was not a part of it. It was the *sine qua non* of the agreement, under which the Convention was signed, and we should have found it so to our cost, if the spirit of the nation had not exerted itself; but because we escaped the danger, must we lose the sense of it too? I hope we shall act so in this war, as to make all Europe forget, how we acted before; but let us not forget it ourselves: let us keep it always in our thoughts, to be a warning to us, not to relapse any more into that itch for negociation, that love of little shuffling expedients, that mean submissive policy, we are so happily rid of at last. Let us remember the risk we run, and let us enquire to whom it was owing.

Sir, I think we ought to demand these instructions upon the same principle of equity, by which an innocent man, who has been tried for his life, and escapes, is allowed a copy of the indictment, that if he has a mind to prosecute those who brought him into that danger, he may. I will add but two or three words more to the trouble I have given you. The people of England are not so ignorant as some persons suppose: they know the Convention from the excise: they know what they should think of it: they would be glad to know whom they owe it to; and they will understand perfectly well, if a negative be given to this motion, what that negative means.

Sir *John Barnard:*

Sir; as I have often heard a certain set of gentlemen insist upon it, both here and in other places, that the declaration or protest in question, had no manner of relation to the Convention, I should be glad those gentlemen would inform us what it had relation to, or for what purpose it was made, and so formally accepted of. I am very certain, the court of Spain meant something by making it; I am convinced they supposed we meant something by receiving it. If they had meant, or intended to mean nothing, I am sure, they would not have made it; and if we did not mean to accept it in the terms in which it was conceived, and for the purpose which, we knew, they meant by it, I am sure our minister, at least, meant to deceive them. Therefore, if we received it as the Spa-

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niards meant it; if we received it as the condition on which the signing of the Convention was to be proceeded on; I am very sure, the conduct of our minister ought not only to be enquired into, but censured. And, if we meant to deceive the court of Spain, by receiving that declaration; if we thereby meant to draw the court of Spain in to sign a Convention, under the false hopes, that we would look upon that declaration in the same light they did, the conduct of our minister, in my opinion, deserves as much to be censured in this case, as in the other.

Openness of heart, sincerity, and plain-dealing, have always been a distinguishing characteristic of this nation. It is generally the characteristic of a brave people. By continuing our negociations under so many insults, I am afraid, we gave the Spaniards some room to suspect our courage: I hope we have not, in our method of treating, given them room to suspect also our sincerity. Sir, this nation had never yet an occasion to make use of quirks or subterfuges, or of any sort of deceit, for obtaining justice. A convention of some kind or other might, at that time, be necessary for some amongst us here at hone, as an expedient for excusing themselves to the ensuing session of parliament, but it was not necessary for the nation; and therefore, if deceitful means were used for obtaining the concurrence of the court of Spain, in furnishing out such an expedient, I will affirm, that those who did so were guilty of sacrificing the honour and interest of their country to some selfish ends of their own.

For this reason, Sir, I am for the motion made by my honourable friend; for if it does not, upon an enquiry, appear, that our minister at the court of Spain declared in the most open and plain terms, that he would not accept of that declaration, as the condition upon which the treaty was to be signed: that this court would not receive it as such, nor ever admit of his Catholic majesty's suspending the assiento contract, on account of the non payment of the 68,000*l.* then claimed by Spain: I say, Sir, if this does not appear, I shall be for censuring the conduct, at least of our ministers abroad, and, perhaps, of some of those at home. From the papers already upon our table it does not appear, that he accepted of that declaration, that he accepted of it in the most solemn manner; but, it does not appear from any of the papers yet before us, that he made such a counter-declaration as I have mentioned. Therefore, in justice to him, I desire to be informed, because by the papers before us, he now stands condemned, and therefore I desire to see those that may be pleaded in his justification, if there are any such: in justice to my country I desire to be informed, because, as a member of this House, I am obliged to censure him, if by his conduct, his country had forfeited that character which it has long preserved, and which it is both our honour and interest still to preserve.

Thus, Sir, the very argument that has been made use of in this debate for not calling for Mr. Keene's instructions, is, with me, an unanswerable argument for our doing so. If by accepting the declaration of the court of Spain, we did not mean what the court of Spain meant in delivering it, we ought to have told them so. Let us see, whether we did or no. And if by accepting it, we meant the same thing they meant in delivering it, we then meant to accept of a treaty or convention under the condition expressed in that declaration. By so doing, we acknowledged the 68,000*l.* to be justly due to them by our South Sea Company: we acknowledged, that this sum ought to be immediately paid, without any regard to the large claims our company had upon the crown of Spain: and we acknowledged, that unless that company paid that sum, within a short term, the king of Spain had a right to suspend the assiento of negroes. Will any gentleman say, it was right in our minister to make such acknowledgments? Will any gentleman say, he ought not to be censured if he did? Sir, there was no dispute between the court of Spain and our South Sea Company, when the Convention first began to be thought of. They had come to a final agreement, and that agreement would have stood, if our negociations about the Convention had not unhinged it. The demand of this 68,000*l.* which the court of Spain made upon our South Sea Company, was, perhaps, an unjust demand; but the company had agreed to allow it, unjust as it was, provided the king of Spain would do them justice as to the many demands they had upon him, and insist only upon this sum's being brought in to the creditor's side of his account. This was the only confession our company had ever made of this debt. This was what the court of Spain had agreed to accept of; and this was what Mr. Keene,

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as he was agent for the company, could not but know. Was it then right in him to accept, or admit of a declaration, in which it was insisted, that our company had confessed this sum to be owing, without so much as one word of the terms upon which they had agreed to allow it? Among politicians, Sir, whose maxims, I confess, I do not understand, this may be justified in the envoy; but among merchants, I am sure, it will never be justified in the agent.

From what I have said, Sir, it must appear, that our minister's accepting, or even admitting of this declaration, was wrong: and I desire to know, the whole nation desires to know, whether there was any such counter-declaration, and in what method it was made or delivered. If we are refused this satisfaction, by a negative's being put upon this motion, I shall presume, the whole nation will presume, there was no such counter-declaration made or delivered by our minister; and consequently I shall, the whole nation will condemn his conduct, let his fate in this House be what it will. This, Sir, is a bad consequence, with regard to the character of the hon. gentleman concerned; but with regard to the character of this House, it is a most terrible one; for if parliaments should begin to refuse giving satisfaction to the people, the people will begin to refuse putting any confidence in parliaments; and, if this should ever come to be the case, they not only may, but they ought to be laid aside. I do not know that the character of parliament ever received a greater stab, than it did by the seeming approbation of the Convention in last session of parliament; and if we should, in this, so far screen the contrivers of that Convention, as to refuse to let the people know, whether they were to blame or not: I say, if we should do this, now that the chief argument advanced last year in favour of that Convention appears to have been without foundation, it will, I fear, be a mortal blow.

This, Sir, is a danger that threatens our constitution in its most tender part; and shall we expose ourselves to this danger, for the sake of avoiding the chimerical danger of letting Spain see what concession we were willing to make for the sake of peace? It is very plain, I think, Sir, that some amongst us were willing to have made most extraordinary concessions for the sake of peace; and, for this very reason, I am for having them enquired into; for if they should appear to be such as I suspect, I hope it will be put out of the power of those that were willing to make them, ever to make any such for the future, either to Spain, or to any other nation we may hereafter have a dispute with. No man can have reason to dread letting Spain know what those concessions were, because, I believe, she was long since fully informed of them; and this information was, I am convinced, the cause of the war; for her dependence upon the concessions she was made to hope for, was the true cause of her obstinacy, and those who had flattered her with such hopes, at last found, they had promised her more than they durst venture to perform. But suppose she were, as yet, ignorant of the concessions some amongst us were willing to make for the sake of peace, her being now informed of them may give her new cause to repent of her former obstinacy, but it can give her no hopes for expecting such at the end of the war, if we carry it on, as I hope we shall, with vigour and success. The dread of letting Spain know what concessions we were willing to make for the sake of peace, can therefore be no argument with any man in the kingdom for opposing this motion; but the dread of letting this nation see what concessions some amongst us seemed willing to make for the sake of a precarious and dishonourable peace, is, I believe, an argument of great weight with some gentlemen, for opposing this, and every such motion; and because it is an argument with them for opposing, it is, with me, a most powerful argument for approving this motion, and every motion of the same nature; for if any dishonourable concessions were so much as proposed to have been made, they ought to be exposed, they ought to be censured, in order to prevent the like in time to come.

Sir *Robert Walpole:*

Sir; it has generally been reckoned a little unfair, to take notice of what has been said in any former debate; but we have now so far deviated from this rule, that not only what has been said in former debates, but in former sessions, is repeated seldom exactly as it was spoke, and made use of against gentlemen in future debates or future sessions. I remember, when it was last year insisted on, that the king of Spain's Protest was an article of the Convention; I made use of the expression, that it was no more an article of the Conven-

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tion than of the grand alliance. I then thought so, I think so still: nothing can be looked on as an article of any treaty, unless it be ratified as well as signed, by both parties concerned; or unless it be expressly mentioned and referred to in some of the articles that have been signed and ratified by both parties. Is this the case of the protest in question? Was it either signed or ratified by both parties, or was it mentioned in any one of the articles of the treaty? Sir, if it had been made by way of a separate article, and even signed by our minister, yet till it was ratified by his majesty, it could not be looked on as an article of any treaty between the two nations. Therefore I still think I spoke justly when I said, that his catholic majesty's protest was no more an article of the convention, than of the grand alliance.

This protest, Sir, was so far from being an article, or a part of the treaty, that it was not so much as signed by our minister: he did not so much as accept it, he only received it. Gentlemen may smile at this distinction; but it is not a distinction without a difference. There is a very great difference between accepting and receiving. When we accept of any thing, we accept of it as the giver intends we should, either as a payment, or as a reward, favour or gratuity; and then our accepting implies a release, or an obligation of gratitude. But when we receive only, we receive in what terms we please, and may declare them then, or at any time afterwards. This was the case of our minister, with regard to his Catholic majesty's protest. He received it only; and to shew his candour, as well as to prevent the court of Spain's being led into any mistake, he then upon the spot declared, that he did not accept of it as any article or condition of the treaty, and that he received it, only in order to transmit a copy of it to his court, and another to the South Sea Company. If the court of Spain, therefore, were deceived, they deceived themselves: they were deceived neither by the expressions, nor by the silence of our minister. But whatever they may now pretend, I believe, they neither deceived themselves, nor were deceived by our minister. I believe, they did not so much as expect, that we should shew any regard to their protest. It related to an affair of a particular and perplexed nature, which could not be brought into a general treaty between the two nations. The accounts between the king of Spain and our South Sea Company, was an affair that no way related to either of the nations in general; and, it was an affair of such a perplexed nature, that it could not be brought into the negociation for a general treaty. Like the dispute about the limits between Florida and Carolina, it was absolutely necessary to refer it to plenipotentiaries, to be examined into, and determined by them, after the conclusion of the general treaty, as is customary in all such cases; and therefore it came properly under the first article of the treaty, by which ministers plenipotentiaries were to be appointed, for regulating finally the pretensions of the two crowns, remaining to be adjusted; the whole, according to the treaties therein mentioned, of which that of the assiento of negroes is particularly one.

If we consider the affair in this light, and this is the only light in which it can properly be considered, we may easily see, what the court of Spain meant by this protest. As the assiento of negroes was a mutual contract between the two nations, the king of Spain thought he had a right to suspend the performance of his part of it, in case we refused the performance of ours; and this he certainly has. No gentleman has said, he has a right to suspend the assiento of negroes upon any pretended failure in our South Sea Company, and without applying to our court for redress. But, if our South Sea Company should be guilty of a real, and not a pretended failure; and if, upon application to our court, we should refuse, or unreasonably delay compelling our South Sea Company to do him justice, he would certainly then have a right to suspend the assiento treaty upon his part; and this right he was afraid might be injured, or derogated from, by that treaty's being particularly mentioned in the first article of the Convention; for which reason he thought it necessary to reserve that right by an express declaration. This was all that even the court of Spain meant by that protest. It could not give them any new right, nor confirm any right they wrongfully pretended to. It was intended only to shew, that his Catholic majesty did not, by the first article of the Convention, give up any right he might have to suspend the assiento treaty, upon a failure of performance on the part of this nation; and as the plenipotentiaries appointed by both nations, and not the court of Spain alone, were to determine, whether the non-payment of the 68,000*l.*

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was a failure on the part of this nation, it would have been a piece of perfect Don-Quixotism in us, to have refused admitting the court of Spain to make such a declaration or protest; because, if our plenipotentiaries had determined, that this sum was due to the king of Spain, and that it ought to be immediately paid by our South Sea Company, we certainly ought, and, I believe, we should have compelled that Company to have paid it; and if our plenipotentiaries had determined, that it was not due, or that the king of Spain ought to allow it in whole or in part of what was due by him to the Company, his protest would then have been of no signification.

In my opinion, Sir, it is evident from the very nature of the thing, as well as from the papers already on your table, that Mr. Keene neither received this protest as any article, condition, or part of the treaty, nor did he either by his expressions, or his silence, endeavour to deceive the court of Spain; and therefore, neither of the arguments made use of by the hon. gentleman that spoke last, can be of any weight in the present question; nor will our refusing to distress the government by discovering its secrets, or to take up our own time with enquiries, when there does not so much as seem to have been any fault committed: I say, our refusing to do so, can be looked upon by no impartial man in the kingdom, as a refusing to let the people know, whether those who negociated and concluded the Convention were to blame in what they did. There are, indeed, some men in the nation, and perhaps some gentlemen in this House, so much prejudiced against the Convention, that without enquiry, they think every man blameable who had any hand either in negociating or advising it; but I am sure, I may at least say, that the majority of both Houses of Parliament thought otherwise last session, and I can see no reason for their thinking otherwise now. The hopes that the Convention would, at last, produce an honourable and advantageous peace, without war or bloodshed, was a good reason for concluding it, and a good reason for approving it; and, if this was then a good argument, can what has happened since, can the Spaniards having since committed a most notorious breach of public faith, any way derogate from the strength of that argument? Can it throw any blame upon those who put a trust in hopes founded upon a most solemn treaty? At this rate, Sir, no minister must ever conclude, or advise agreeing to any treaty; for the most full, the most explicit, the most definitive treaty may be broke through as well as that preliminary was; and if a minister must answer for the breaches of faith committed by the nation he treats with, I am sure, he ought never, in prudence, to treat with any. The breach of faith committed by the Spaniards, can therefore now be no more an argument for condemning that treaty, than the fear of their doing so could be an argument for condemning it, when it was under the consideration of this House.

This, Sir, is, I believe, the way of thinking with all the unprejudiced and impartial men in the kingdom, which, I hope, will always be by far the greatest part; and surely, we are not to take up our time in this House, which may be otherwise so well employed, with enquiries, in order to remove the prejudices of a few; and much less ought we to do so, when that enquiry may probably be attended with great danger to the public, which is the case of the enquiry now moved for. I shall grant, that Spain has now no reason to expect those concessions we were willing to make for the sake of avoiding a war; but nations, as well as private men, often expect without the least shadow of reason. If Spain should be informed of all the concessions we were willing to make, it will shew her the value we put upon her friendship, and this will make her persist more obstinately in the war. Her obstinacy, it is true, may be attended with her ruin, but this, I am sure, is what must be allowed not to be our interest to pursue. We ought to insist upon her doing us justice, and, I hope, we shall soon obtain it, if we do not encourage her to persist obstinately in the war; but we ought to aim at it by weakening that nation as little as possible, because she may, probably, hereafter become our friend and ally, and we may have occasion for her assistance. I am far from thinking, that any dishonourable concessions were proposed to be made, and yet, I am convinced, the Spaniards know very little of the concessions we were willing to make. I hope they never will; but, if they should be fully apprized of the concessions we were willing to make for the sake of avoiding a war, they will expect, though without reason, that we should make the same for the sake of getting out of a war; and this expectation will prevent their suing for peace, till they are reduced to the last extremity, which is an effect we ought, if possible, to prevent.

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But this, Sir, is far from being the only fatal consequence that may ensue from our calling for the letters and instructions now moved for. I could mention several others, but shall confine myself to one. We have, it is true, the misfortune of being engaged in a war, but it is, as yet, against Spain alone, and while it continues to be so, we have no great reason to doubt, or to be afraid of the event; nor are we under any necessity of seeking allies or assistance in the war. But there are other powers that are, perhaps, willing to join with Spain against us, if they could but find a tolerable excuse for so doing, and, in that case, we may be under a necessity of endeavouring to get some of the powers of Europe to join with us. We know how freely ministers of the same sovereign correspond with one another, when there is no jealousy between them, nor any apprehension that the correspondence will be unseasonably divulged. This was probably the case of our ministers at home and abroad, who were concerned in negociating and concluding the Convention, and therefore there may be some reflections or expressions in the letters or instructions now called for, that may be of dangerous consequence in both these respects. They may not only be such as will furnish those that incline to be our enemies, with a plausible pretence for joining against us, but they may be such as will render those that incline to be our friends, less willing to assist us. These may be the consequences of having the papers called for laid before so numerous an assembly; and as these consequences may be fatal to us in our present situation, I must therefore give my negative to the motion.

Lord *Polwarth:*

Sir; I do not remember to have heard it insisted on in this, or any former debate, that the king of Spain's declaration was an article of the Convention, and therefore it was unnecessary for the hon. gentleman who spoke last, to point out to us, so exactly, what was to be deemed, and what was not to be deemed an article of any treaty; but a declaration or protest may relate to a treaty, though it be not signed by both parties, and though it be neither made an article, nor mentioned in any article of the treaty; and when such a declaration or protest is signed by one of the contracting parties, and solemnly intimated to, and accepted by the other, it has, by the law of nations, the same effect, as if it had been made an article of the treaty.—As for the hon. gentleman's distinction between accepting and receiving, it is, like some of the other ingenious distinctions I have heard come from the same quarter, a little beyond my comprehension. There may be a difference, but, I protest, it is such a one as I cannot well comprehend; and what is still worse, it is a distinction that, even as he has explained it, will not serve his turn in the present case. If he should give me any thing, which I do not expect he will, and I should receive it, I should think that I had not only accepted it, but that I had accepted it upon the conditions on which, I supposed, he gave it; and, I believe, the world would think in the same way. But if he should give me any thing, and at the time of giving should express the terms on which he gave it, in such a case, if I received his present without declaring, that I neither did, nor would receive it upon his terms, the whole world would conclude, that I had accepted it upon the terms he expressed. Suppose a man were actually owing me a sum of money, and should come and offer me a sum equal to what he owed, but at the same time should declare, that he did not acknowledge himself indebted to me in a farthing, nor would give me that money unless I received it as a gratuity; and suppose I did receive the money without saying a word, ought not my receiving it in that way, to be looked on as receiving it by way of gratuity? I am sure, in point of honour, it ought; for no man would receive the money in that way, unless he either thought there was nothing really due to him, or that he had not power to compel the payment of it.

I have made these suppositions, Sir, in order to shew, that he who receives must always be supposed to accept upon the terms on which the thing is, or is supposed to be given. And now to apply this to the protest or declaration in question. If it had been drawn up and signed without the knowledge or participation of Mr. Keene, and a copy of it sent to him after the signing of the Convention, I shall grant, that his receiving or accepting it in this manner, would have been of no great moment: He might, in complaisance, have told them, that he would send a copy of it to his court, or to the South Sea Company. But this was far from being the case, as appears from the papers already upon our table. Before the Conven-

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sion was signed, there was an agreement between Mr. Keene and M. La Quadra, that such a declaration should be made in writing, and signed by the latter, in the name of the king of Spain: Nay, farther, before the king of Spain's ministers would sign the Convention, Mr. Keene agreed not only by word of mouth, but under his hand in writing, that he would receive or accept of this declaration, and transmit copies of it to his court, and to the South Sea Company. Must not we then suppose, that when he received this paper, he accepted it upon the terms which were expressed in the body of it; and that consequently our leaving our South Sea Company to the mercy of the king of Spain, was the condition upon which Mr. Keene agreed the signing of the treaty was to proceed on.

I was surprized, Sir, to hear the hon. gentleman say, that Mr. Keene, to shew his candour, declared upon the spot, that he did not accept of this declaration as any article or condition of the treaty, but that he received it only in order to transmit a copy of it to his court, and another to the South-Sea Company. I do not know what private information the hon. gentleman may have about this affair, but the very contrary appears manifest from the papers now on our table, and from them only we can judge. (Here he reads paragraphs from several letters, &c.) From these papers it is, I think, manifest, that Mr. Keene, by an agreement previous to the signing of the Convention, agreed to accept of this declaration, and that he did accept of it without making any such counter declaration either by word of mouth or in writing; and by his doing so, it certainly became a part of the Convention: no civilian will, I am sure, say otherwise. I say, no civilian, Sir; for I have, this day, heard some gentlemen of this House say otherwise; but they do not, I think, pretend to be civilians; and therefore, I hope, they will not pretend to infallibility, or even to great authority, in a point that depends upon the laws of nature and nations.

I shall grant, Sir, that matters of a particular and perplexed nature are seldom settled by general treaties. When matters of a general and national concern are adjusted, those of a particular or perplexed nature, such as limits, damages, and the like, are usually referred to be adjusted by plenipotentiaries, commissaries, or some such ministers, after the general treaty has been concluded; but our late Convention with Spain was of an extraordinary kind; for all the general rights and pretensions in dispute between the two nations, such as the freedom of our trade and navigation in the American seas, our right to cut logwood in the Bay of Campeachy, and all such, were left to be regulated by plenipotentiaries; and that affair which was the most perplexed, and required the most particular discussion, I mean the damages sustained by our merchants, was the only affair that was finally adjusted by the general treaty. I beg pardon for saying finally adjusted: for, in my opinion, it was, on our part, absolutely given up. I therefore do not at all wonder that the great claims our South Sea Company had upon the crown of Spain, on account of seizures, were left to be regulated by plenipotentiaries; but I was surprized to hear the honourable gentleman say, that the accounts between the king of Spain and our South Sea Company were all referred to the plenipotentiaries. No, Sir; the king of Spain's claim upon them was not referred: we positively and expressly allowed it, by our minister's accepting this protest as the basis of that treaty.

The court of Spain, Sir, were well apprized of the necessity our negociators were under towards the end of last year, for having a treaty of some kind or other. The ministers of Spain knew, that our ministers had spent four or 500,000*l.* of the nation's money, in fitting out squadrons of which they have made no manner of use. From thence they knew that our ministers were under a necessity of having something to shew, some excuse to make to parliament; and they would grant them nothing, they would give us nothing that looked like a treaty, unless our minister would abandon the South Sea Company. That company must be entirely left to their mercy: the sum pretended to be due to them by the company, must not only be acknowledged, but paid within a short term, otherwise they were to be left at liberty to suspend the assiento of negroes; whereas the large sum due by them to the company, were to be left to a tedious discussion, and not to be paid till their plenipotentiaries should agree to it, which, I am convinced, they never would have done. All this they insisted on, before they would vouchsafe to give us any thing that looked like a treaty, and for this, they would not trust to our minister's word; they would have it in writing; and this

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form of a protest, which he was to accept of in a solemn manner, was the method agreed on: nay, even for this acceptance they would not trust to his word: this too, they insisted upon having by way of letter under his hand. Does not this shew that our ministers, so far as they durst venture, were willing to agree to every thing proposed by the ministers of Spain? Suppose, Sir, the king of Spain has a right to suspend the assiento of negroes, in case of any failure on our part, yet this cannot justify Mr. Keene's accepting of that protest in the manner he did. By that acceptance, he not only acknowledged the right in the king of Spain, but he acknowledged, that the South Sea Company would be guilty of a failure on their part, unless they paid the 68,000*l.* within a short term; and this he did, though he perfectly knew, that in justice, they owed no such sum, nor had ever acknowledged or promised to pay such a sum, but upon condition of the king of Spain's settling all accounts with them, and paying what might appear to be due upon the balance.

What I have said, Sir, I have spoke from the papers now upon our table. From them our negociations, especially those that relate to his Catholic majesty's Protest, must stand condemned with every man that peruses them, and them only. If there be any other papers which may justify those negociations: if the hon. gentleman knows of any such: if he knows of any letters, instructions, or other papers, from whence it may appear, that Mr. Keene declared, when he received this Protest, that he did not receive it as any article or condition of the treaty, that he received it only to transmit it to his court, and to the South Sea Company: I say, if the hon. gentleman knows of any such as, from what he has said, he would seem to insinuate, I am sure he ought, as a friend to Mr. Keene, to agree to their being laid before us. The objections he has been pleased to make, the dangers he has been pleased to frighten us with, are, in my opinion, mere bugbears. The danger of shewing to Spain what concessions we were willing to make for the sake of peace, is an objection that operated as strongly against laying before us the letters and instructions to our commissaries, as it can do against laying before us the letters and instructions to Mr. Keene; and yet, the former were laid before us without any difficulty, and without producing any bad effect. And as no power in Europe had the least concern in the negociations carried on between Spain and us: as no power in Europe had any immediate concern in the disputes between the two nations, I cannot conceive, what occasion our ministers could have to mention any other power in Europe, in their letters or instructions to Mr. Keene; and therefore, from their great wisdom, I must suppose, that no other power in Europe is so much as mentioned in any of those letters or instructions. For this reason, if they were all printed and published, as well as laid before this House, I cannot suppose, that those who are willing to join with Spain against us, could, from thence, be furnished with any pretence for so doing; or that those who are willing to assist us in the war, in case we should have occasion for it, could, from any reflections or expressions in those letters or instructions, be rendered less willing than they are at present to assist us.

This, Sir, is a danger that none of our ministers have, I am convinced, the least cause to apprehend. But there is another danger which some of them may, perhaps, have cause to apprehend. There may be expressions in some of those letters or instructions, that might disoblige many here at home, and raise such a spirit in the nation, as would be of dangerous consequence to our ministers. If our negociations were carried on, not so much with a view to procure satisfaction to the nation, as to procure temporary expedients for our ministers, this might appear from some of those letters or instructions, if they should all be laid before us; and this, if there be any such thing, is, I shall grant, a danger which our ministers have great reason to apprehend; but this is a danger which, I am sure, ought to have no weight with this House. If it has any, it must be in favour of the motion; and, for this reason, I am the more sanguine for the motion; because I find it opposed by some who may, perhaps, think themselves exposed to this danger.

Sir *John Hynde Cotton:*

Sir; I shall not enter into the question, whether our negociations stand condemned or acquitted by the papers now upon our table; but, I must observe, that though several paragraphs have been read, and from thence several objections started, by those who find fault with our negociations, yet none of those who declare themselves friends to our negociations, have attempted

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to read, or to draw an argument from any one of the papers now before us; from whence it would seem as if they were conscious, that our negociations cannot be justified from any of the papers we have, as yet, upon our table; and if they put a negative upon this motion, the whole world will conclude that they are conscious those negociations can as little be justified from any papers that can be laid before us; therefore, for preventing such an unlucky inference, I hope they will agree to the motion. In this debate, Sir, we have heard Mr. Keene's conduct so highly applauded by some gentlemen, and so loudly blamed by others, that, I confess, it excites a very great curiosity in me, to see all that can be said, both for and against him; and therefore, as I can see no danger from our having all those papers laid before us, if there were no other reason, I should be for the motion. But when I consider the duty we owe to our country, if the gentleman whose conduct is called in question, be guilty, and the justice we owe to him if he be innocent, I think we ought to have the papers now moved for laid before us, even though it should be attended with all the dangers we have been frightened with; and those who have any regard for him, must certainly, I think, be for it, because his character, as a minister, may, perhaps, be justified by some of the papers now called for; and it cannot, I am sure, be rendered worse than it is already in the eyes of many gentlemen of this House, and, I believe, of most men in the nation.

This debate likewise ended with a negative: Ayes 98; Noes 171.

Debate in the Commons on a Motion for a Call of the House.]* December 18th, Mr. *Gybbon* rose up and said:

Sir; as the necessity and justice of this war require that his majesty should be well supported, it is highly expedient that the subjects should be encouraged in their endeavours to serve his majesty by seeing the public affairs carried on with the concurrence of every member of this House: I will be bold to say, Sir, that no gentleman who has the honour to represent his country will object to one motion that tends to strengthen his majesty in the prosecution of this war. I am sorry not to see that zealous attendance paid by the members of this House, that our present situation deserves. What may be the cause of this apparent neglect, I shall not take upon me to determine. Perhaps some gentlemen are afraid of neglecting their private affairs by too intense a concern for the public, or despair of being able to do any service to their country by their attendance; but whether the one or the other be the plea, it is evidently insufficient to justify their conduct. Their absence is the more dangerous, as, I believe, it is no secret all over the country, that a motion will be soon made in this House, for a Bill of the utmost importance to the dignity and independency of the legislature: a motion on which our liberties and those of our posterity may depend: a motion that will give every gentleman an opportunity of shewing how little any mean, partial views mix with that duty which he owes to his prince and his country. As I cannot but think the House ought to do its utmost to oblige gentlemen to attend on that important occasion, I therefore take the liberty to move, That this House be called over on the 16th of January next.

Mr. *Edward Thompson:*

Sir; I see no reason for forcing those gentlemen, who were so fond last session to leave the House, out of their beloved retirement. Nay, Sir, the experience I had of the calmness, unanimity, and dispatch with which we proceeded in their absence, makes me almost wish that none of them had ever returned. I have a very great regard for the hon. gentleman who made the motion, as he has always done his duty; but I believe the people in general were so sensible both of the unparliamentary step which the Seceders took last session, and of the good effects of the laws in favour of trade and navigation, made during their absence, that they will be very well pleased if the House is no fuller than it was when they left us. Therefore, I hope you will put the question.

The question being put, it was carried, after a division, in the negative; Yeas 61, Noes 136.

DEBATE IN THE COMMONS ON THE PLACE BILL.*] January 29, 1740. The

* From the Gentleman's Magazine. Omitted by Chandler.

* This Debate first appeared in the London Magazine for October 1740, and was afterwards copied into the Appendix to the Gentleman's Magazine published in January 1741.

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members having been first summoned from Westminster-hall, the Court of Requests, &c. by the Serjeant at Arms,

Mr. *Samuel Sandys* stood up, and said:

Sir; I am now going to lay before you a proposition, which has already been several times made to you, without meeting with that success, which I thought it deserved; but as I think it a good one, and absolutely necessary for the preservation of our constitution, I am far from being discouraged by its former bad success, nor shall I be discouraged from a future attempt, even though it should now meet with as bad a reception as heretofore, because I am fully convinced of the truth of that observation, which was long ago made by one of our best lawyers, that a good bill or motion once proposed in parliament, and entered upon our Journals, can never die: it may at first meet with bad success: it may meet with repeated bad success; but, unless our constitution be absolutely and irrecoverably destroyed, it will by its own merits at last force its way through the several branches of our legislature.

The proposition I am to make, Sir, is plainly, and in short this, that criminals may not be allowed to be their own judges, and that our liberties may not be committed to the keeping of those, who are retained to destroy them. It is the duty of parliament to redress all public grievances, and punish all high and heinous offenders who have been artful or powerful enough to evade the laws of the kingdom. It is the duty of parliament to grant no more money for the public service, than what is absolutely necessary, and to see that money properly applied, and duly accounted for: and it is the duty of parliament to watch over the liberties and privileges of the people, by taking care not to pass any laws that are inconsistent with the liberties and privileges of the people, and by providing speedy and effectual remedies against all encroachments that have been, or may be, made by ambitious princes, or guilty ministers. These, Sir, are among the chief of the duties of parliament; but how can we expect a performance, if a majority of the members be such, whose self-preservation or security depends upon their neglecting, or acting contrary to these duties? Can we expect that public grievances will be redressed, if a majority of parliament be such as have themselves been or such as are the friends and confederates of those that have been the cause of these public grievances? Can we expect, that any high offender will be punished by parliament, if the majority of it be such as have been companions and sharers with him in his crimes, or such whose chief subsistence depends upon screening him from justice? Can we expect, that any supply demanded by the crown will be refused, if it is to be granted by those, whose chief subsistence depends upon making the grant; or that the public money will be properly applied, or duly accounted for, if those that have applied, or may apply it to their own use, are to be the only inspectors of the public accounts? Or lastly, Sir, can we expect, that a parliament will guard against the encroachments of an ambitious prince, or guilty minister, if the majority of that parliament be such as have the whole, or a necessary part of their subsistence, from the places or pensions they hold at the arbitrary will of that ambitious prince, or guilty minister?

These are questions, Sir, which in my opinion, can be answered in the affirmative by no man, that will and dare make use of his reason; and yet every one of these questions must, I think, be answered in the affirmative by those who affirm, that our constitution can never be in any danger from a majority, or near a majority of this House, being composed of such as hold places and pensions at the arbitrary will of the crown. I shall grant, Sir, that it may be necessary for us to have amongst us some of the chief officers of the crown. It may be necessary to have always in this House some of the chief officers of the treasury, admiralty, and army, as well as several others of those that are employed by his majesty as chief officers in the executive part of our government. These, I say, it may be necessary to have amongst us, in order to give us such informations, as may often become necessary in the several branches of business that come regularly before this House; but, I am sure, it is no way necessary, and quite inconsistent with the dignity of this House, to have it filled with clerks of offices, and inferior officers of our navy and army. I confess, I have the greatest regard for such of those as we have at present amongst us; because, I hope, they have all so much honour, that they would disdain to sacrifice their duty, as members of this House, for any selfish consideration; but, we cannot be assured, that those who

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succeed them in their offices and employments, will be gentlemen of so much honour, and as they may likewise succeed them with regard to their seats in this House, our constitution may be thereby brought into the utmost danger; for, if I were not well assured of the honour of those officers we have now amongst us, we have already such a number, that I should think our constitution upon the brink of destruction; and, as this number may increase so as, in a short time, to become the majority of this House, whilst we have it in our power, we ought to take care to provide against this danger, by limiting the number of officers that are to have seats in this House; for, if the majority of this House should once come to be composed of officers, and those officers such as had a greater regard to the places they possess, or preferments they hope for, than to the liberties and constitution of their country, it would be ridiculous to think of getting the approbation of this House to any such regulation. Therefore, Sir, as this is not yet, I hope, our unfortunate case, I shall beg leave to move, That leave may be given to bring in a Bill, for the better securing the freedom of parliaments, by limiting the number of officers to sit in the House of Commons.

Mr. *John Selwyn*, jun.

Sir; I should readily join not only in bringing in but in passing such a bill as the hon. gentleman has been pleased to propose, if I thought it were necessary for the preservation of our constitution: nay, I should join with the hon. gentleman in his motion for bringing it in, in order to see what sort of remedy he has a mind to propose, if I thought that the constitution were now, or ever could be in any danger from the number of officers in this House: nay farther, I should probably join with him in this motion at least, if I were not fully convinced, that the excluding of any officer who may have fortune and interest enough in his country to get himself chosen, would be a most dangerous infringement of our constitution, and at last an infallible cause of its dissolution.

The hon. gentleman has himself, Sir, furnished us with what I take to be an unanswerable argument against the Bill he proposes: he says, and, indeed, it must by every one be granted, that no danger can ensue from the number of officers in this House, unless that number be so great, as to make a majority; and that even in this case, no danger can from thence ensue, unless that majority consists of such men, as have a greater regard for the offices they possess, or the preferments they hope for, than they have for their own honour, or the liberties of their country. These, therefore, are two cases, which we must suppose may happen, before we can say there is any necessity for such a bill, as he had been pleased to propose; and these two cases are, in my opinion, of such a nature, that we cannot suppose it possible, that either of them should ever happen, and much less can we suppose, that both may happen at one and the same time.

We know, Sir, that a great number of those, who have offices and employments under the crown, I mean all the officers of the revenue, are already excluded from having seats in this House; and as for the officers of our navy and army, and all those that belong to any of the offices kept here at London, they are, by the very nature of their office, and by the attendance they must give, prevented from having any intimacy or correspondence with the gentlemen or people of our several counties, cities, or boroughs, and consequently it must be extremely difficult for any great number of them to get themselves chosen; for the people in all places of the kingdom are fond of those that live amongst them, and converse with them daily, and will always chuse one of them, rather than any stranger that comes to set up as a candidate at an election.

For these reasons, Sir, I think it impossible to suppose, that ever a majority of this House should consist of such as hold offices or employments at the arbitrary will of the crown; and as for pensioners, they are already excluded from having seats in this House, as effectually as it is possible for you to exclude them by any law you can make. But this is not the only impossible supposition we must make, in order to frighten ourselves with the dangers we are exposed to by a great number of officers having seats in this House: We must not only suppose, that they make a majority of the House, but that they are all such as have no regard to their honour, or their country, which, I hope, will appear to be a supposition impossible to be made, with regard to such a number of gentlemen of family and fortune in this or any other kingdom upon earth; for gentlemen of family and fortune they must be, before they

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can get themselves chosen, unless you suppose their constituents to be as great scoundrels as themselves, which is likewise a supposition that, I hope, can never be made; at least, I am sure, if there should ever be ground for making such a supposition, it would be ridiculous to talk of preserving the liberties of such a vicious and abandoned people.

But, Sir, before we can suppose our constitution in danger from a great number of officers having seats in this House, we must, in my opinion, suppose, that all those officers are not only regardless of honour and their country, but downright fools and idiots, with regard to their own interest. Every gentleman that can have a seat in this House, must now by law be possessed of an estate of 600*l.* or at least 300*l.* a year, in his own right. Whilst our constitution is preserved, he may call this his property, he may transmit it to his posterity. But if our happy constitution should be destroyed; if an absolute and arbitrary government should be set up, he could do neither with any certainty. In such governments there is no property, there is no man can with certainty depend upon being able to transmit any thing to his posterity; and would any man but a fool and a madman render a certain, real, transmissible estate of 600*l.* or 300*l.* a year precarious, for the sake of a place or a pension of double the value, which he held at the mere will of another, and which he knew he could not transmit to his posterity? This, Sir, is so contrary to common sense, that it is impossible to suppose, that any great number of men in any age, or any country, could be guilty of such a piece of madness.

From hence, I think, it is evident, that our constitution can never be in danger from any number of officers that may have seats in this House; but if you should by a new law exclude all those in any office or employment under the crown, or all but a very few, from having seats in this House, it would not only endanger, but, in my opinion, certainly destroy our constitution. Sir, I believe it will be granted, that since the happy accession of our present illustrious family, as great a regard, as great a respect has been shewn by the crown to parliament, nay greater, I believe, than was ever shewn in any former period of time. To compare it with that period in which our constitution seems to have been most perfect, and our government most wisely administered, I mean the reign of the glorious queen Elizabeth; Every one knows, that she often treated her parliaments with more haughtiness than has lately been so much as thought of: nay, she sometimes treated them in such a manner, as would now be exclaimed against, as the highest insult, the most dangerous encroachment upon the rights and liberties of parliament; and yet the parliaments in her time behaved in a more obedient, I may say, a more servile manner towards the crown, than they have ever done in any reign since that time: from whence I must conclude, that, so far from being brought under any servile influence by the number of officers we have now in the House, it contributes towards enhancing that regard, which the crown finds necessary to shew to us; and, I think, very good reason it should; for surely a gentleman who, besides his seat in this House and his personal abilities, has a great share in the government and public counsels of his country, or a great command and interest in the navies and armies of his country, is more to be regarded than a mere country squire or city-merchant, who has nothing to recommend him, but his own personal abilities, and his being a member of this House.

Therefore, Sir, if you exclude all officers of the crown from having seats in this House, you will, of one side, lessen that regard which the crown now finds necessary to shew to you; and of the other, you will introduce, and in a manner establish faction and sedition, not only in this House, but in every part of the kingdom. The chief guard we have against faction and sedition has always consisted in those honours, posts and preferments, which the crown has the sole power to bestow: if you remove that guard out of parliament, the seditious great men, who may be the heads of faction, may probably, in a short time, get the direction not only of this House, but of most of the elections in the kingdom; the consequence of which would certainly be a civil war between this House and its followers of one side, and the king and his officers and their followers, of the other; and by the issue of this war, let whichever side prevail, our constitution would certainly be undone. This, Sir, was the case in the reign of Henry 3. This was the case in the reign of Charles 1. In Henry 3's time, the great earl of Leicester, who was head of the party against the king and his ministers or

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officers, not only got the direction of the parliament, but, by his own authority, nominated many of those that were to be chosen as members of this House; and if that haughty earl had not been deserted by the duke of Gloucester, and defeated by the courage and conduct of the prince of Wales, afterwards our great Edward 1, that contest would probably have ended in a total overthrow of our constitution, as the other I have mentioned did, in the reign of Charles 1.

From all which, Sir, I must conclude, that the offices or employments, which are or may be possessed by members of this House, may serve to keep up such a correspondence and connection between the crown and parliament, as will secure the tranquillity of the nation against faction and sedition, but can never enable any prince or minister to destroy our liberties; because as soon as any such design becomes manifest, most of the officers who have the honour to be members of this House, will declare, and thereby turn the majority of this House against the court; and by that means we shall always have it in our power to give a check to the wicked designs of any ambitious prince or guilty minister. There can, therefore, be no necessity for such a Bill, as the hon. gentleman has been pleased to propose; but on the contrary, I must think, it would be of the most dangerous consequence to our constitution, and for this reason I must declare against his motion.

Mr. *Lyttelton:*

Sir; an hon. gentleman at the lower end of the House threw out a proposal, to send us all to school again for the reforming our manners. Sir, I think, our care should be to prevent members of parliament from being at school, when they are here, from being under the lash of an insolent minister, as, if we may credit history, has happened in some former parliaments. Sir, I do not mean the parliament in queen Elizabeth's reign, however servile they are represented to have been, by an hon. member over the way. I am afraid the practice of ministers naming members to boroughs at their own will and pleasure, which he told us was used by the earl of Leicester, has not been dropped since that time; and I wish our posterity may never see days less advantageous to liberty. Elizabeth loved her people, desired their honour, regarded their interest, she heard their complaints against the greatest, the most favoured of her ministers; and yet I will own, Sir, there were many wrong things done in her reign, because sufficient restraints were not then laid upon the power of the crown: and therefore the example of her reign holds out a useful lesson to us, that even to the best of princes we should not allow such a dangerous influence, as may tempt them, by the advice of bad ministers, to encroach on our freedom.

Sir, considering how this Bill comes recommended, I should have imagined, gentlemen would have thought it owing to themselves, if not to their country, to seem to treat it with a little respect. But not so much as to allow it to be brought into the House, to oppose the principle of it, is indeed very extraordinary. There have been times, when, only for the sake of that principle, bills of a much less moderate nature, and to which there lay many objections that cannot be made against this, have passed here without opposition. Sir, for my own part, I think, when I am promoting this Bill, that I am contending for all I ever thought myself bound to contend for; that I am opposing all I ever thought it my duty to oppose: all faults and mismanagements in the administration of government, the misunderstanding, the neglect, the giving up of all national interests, discontent at home, dishonour abroad, whatever can be conceived most detrimental to the good of the public, is all so closely inwoven with the evil this Bill would prevent, that it can be guarded against, or remedied by no other possible means. Sir, how far I am from supposing, that merely to have an employment, without other cause of suspicion, implies any notion of guilt or corruption, I need no other proof than the sense I must have of my own situation. But though I have an employment myself, I think it still undeniably true, that the nation has reason to be jealous of the number of placemen in parliament; because nations always regard things, and not persons; because they consider the temptation in general, not a particular power of resisting it; and because the public wisdom ought to proportion the degree of restraint to the degree of danger, that is either felt or foreseen.

While this House is full of independent gentlemen, or with such placemen only whose places are not so much the best of their property, that they cannot risk the loss of them without a spirit of martyr-

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dom, who have something of their own sufficient to outweigh their employments, and while the number even of these shall be confined within some moderate bounds, a minister must regard this assembly as an awful tribunal, before which he is constantly to account for his conduct: he must respect your judgments, he must dread your censures, he must feel your superintendency. But I can imagine a future House of Commons so crowded with placemen, that a spectator in the gallery might be apt to mistake, and think himself at the levee of a minister instead of a parliament. The benches here may be covered not only with officers of rank in the government, not only with the servants of the crown, but with the servants, perhaps, of those servants; and what sentiments, Sir, have we reason to think the sight of a House so filled would excite in a minister? Would he think himself in the presence of his country, or in the midst of a guard that would enable him to defy its justice, and deride its resentment? The possibility of this happening hereafter, is the ground of this Bill, which therefore the people of England do not only consider as a single point to be gained for them upon any present necessity, but as a general security against all they apprehend for the future.

Sir, my worthy friend who made you this motion, in the opening of it, explained to you sufficiently, that there is no intent of running into any extremes. If I thought there was, I would oppose it as much as any man here. I know but one thing more preposterous than such a general place-bill, as would exclude all persons in office from a seat in this House, and that is, to leave the number of them under no limitation at all. But for fear of starving, must we die of a surfeit? Between these two absurdities, can no medium be found? Cannot we continue those amongst us who are of any use to the House, who can give any assistance, any weight, any facility, any grace to our proceedings, and shut the door against others whom it is neither decent, nor safe to admit? Sir, the doing this is easy; it will be done by this Bill; it is what the wisdom of former parliaments would have done long before now. But the reason they did it not was, it never entered into their thoughts to conceive that some, who have since sat in parliament, could attempt to come there; I do not mean from any personal incapacity, but from the nature itself of their offices, incompatible almost with the very idea of a member of parliament. It is a surprising thing, but it is verified by what we see every day, that the common practice of some ages goes beyond even the fears of the past. We must therefore supply from experience what our predecessors failed to foresee; and we are called upon to do so by the unanimous cry of the nation. Sir, the greatest affairs before us are of less importance than this: it is better Spain should invade the freedom of the American seas, than the crown of England violate the independence of parliament. It is not Spanish or French arms, but Spanish and French maxims of government, that we should have most to fear from, if the vigilant caution, the jealous spirit of liberty in this House did not concur with the goodness, the natural goodness of his majesty, to secure our free constitution. Let the cortes of Spain, let the parliament of Paris be a warning to this; let them shew us what we may come to, if we do not prevent the growth of corruption, before it produces here the insensible, gradual, fatal change it did there.

Sir, I am trying to recollect what objections have been made to this Bill, and I protest I can find none that seem to me to want a reply. One chiefly insisted upon is, that it carries an air of suspicion. Sir, in all the states that I have read of, ancient and modern, the most suspicious people have been always the latest enslaved. To suspect human frailty in tempting circumstances is a very natural jealousy, and a too secure confidence will hardly be thought a parliamentary virtue. It is painful, indeed, to be suspected, but the greater the pain, the greater the desire should be to remove that suspicion. But, Sir, against the present House of Commons, no such suspicion can be conceived. Upon what grounds should it be founded? Upon what probability? Has the private discourse of such gentlemen here, ever been different from their public behaviour? Have they ever talked one way, and voted another? Have there been any indications of a private interest, that of any one man ever prevailing over that of the nation, against fact, reason, or justice? Have not the majority here constantly shewn the strongest conviction, that their conduct was strictly conformable to the most disinterested love of their country? Such a House of Commons ought not to be, is not suspected: but granting such a doubt to have been formed, is this

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the way to remove it? Will the rejecting this Bill clear our character, or can all the art and power of calumny give half the weight to an imputation of that kind as such a proceeding?

Sir, to those who treat this Bill as a chimerical thing, an idle, speculative project, I will say but one word, that the most chimerical thing in nature, is the notion of a free constitution, where the restraining powers are not entirely exempt from dependency. Such liberty is, indeed, a speculation fit for school-boys; for what would terms and appearances avail, if independence were lost? You might retain the vain ensigns of your former authority, but would they give you any dignity, would they be of any use to the public? The mace there upon your table, what would it signify? It might be borne before you with ridiculous pomp, but it would be what Cromwell called it once, a mere bauble; or if it had any weight, it would be only to oppress, not to protect.

Sir, the present form of our government, keep it but free from corruption, is so wisely constituted, the powers in it are so happily mixed, that it has all the advantages of a republic, without the defects and evils attending one. But, on the other side, I must say, that if it should be corrupted, if the controul of parliament should be bought off by the crown, the very reverse would be true; and it would have all the defects, all the evils of an absolute monarchy, without the advantages; it would be a more expensive, and worse administered absolute power. Sir, I hope it is understood, that in what I have said, I am only contending for a provisional security against a mischief not yet felt in all its malignity, but yet, of so increasing a nature, and such ruinous consequences, that we must be blind not to foresee them, and worse than careless not to prevent. I will only add, that every year we delay this security may probably add both to the necessity, and difficulty of obtaining it; and that people out a-doors may be apt to judge from the success of this question to day, if even now it does not come a little too late.

Sir *William Yonge*:

Sir; I am very ready to allow, that it is laudable in a free people to be jealous of their liberties; and to be ready to repel the least attack that can be made upon them. But I cannot think it very prudent to shew any outward signs of this jealousy, without some real and immediate cause; and when divisions and animosities are stirred up amongst a free people, about guarding against an attack that was never made nor thought of, I shall always be inclined to impute it to any thing, rather than to a true and disinterested regard for the public good. All contests about altering or amending our constitution, especially when they are nursed up, and carried on without doors, as well as within, I must look on as a political sort of warfare; and, I think, no sort of war ought ever to be begun, without some real offence of one side or other. If the nation is to be set in a ferment, about providing against every imaginary danger that may be suggested by a melancholy and gloomy disposition, we shall always be so much taken up with providing against imaginary and distant domestic dangers, that we may probably, some time or other, overlook, and neglect to provide against a real and imminent foreign danger; and thus, whilst we are engaged in needless contests about guarding our liberties and properties against the invasions of one another, we may at last find both left entirely at the mercy of some foreign invader.

For this reason, I am not for endeavouring to be so quick-sighted as some gentlemen pretend to be, nor shall I ever be for making an alteration in our constitution, in order to provide against any danger it may be exposed to, till that danger begins to be in some degree felt, as well as foreseen; and therefore, I think, no gentleman can expect, that I should agree to the motion now under our consideration. Whatever may be our fate in future times, I am sure, it cannot be said, that in his present majesty's reign, or under the present administration, the least attempt has been made upon the freedom of parliament, or to gain a corrupt influence over any member of this House. If our parliaments had ever once of late years, at the instigation of the crown, agreed to, or approved of any thing that looked like an encroachment, either upon the rights and liberties of the people, or upon the property of any private man in the kingdom, that agreement or approbation might have been suspected of proceeding from some corrupt influence. But as no such agreement or approbation has ever been obtained, as no attempt has been lately made by the crown to obtain any such, I can see no reason for the present motion, or for that outcry against corruption, that

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has been of late so industriously propagated all over the nation.

Corruption, I know, Sir, like arbitrary power and wooden shoes, is a most hideous word, and I shall grant, that it may be of a dangerous consequence to the liberties of a free people; but there are two things that must concur, before it can ever become dangerous, and that is, a general depravity of manners among the people, and a wicked design in those that govern them. If virtue prevails among the generality of the people, if they are not generally guided by selfish and corrupt motives, an ambitious court can never propose to succeed in their designs, by means of corruption, let their fund for that purpose be never so extensive; and if the governors of a free people have no ambitious or wicked designs, no fund for corruption can ever be dangerous in their hands; but, on the contrary, it may be necessary for preserving the happiness and tranquillity of the people; for, if the people be generally corrupt, if they be generally guided by selfish and corrupt motives, their governors must have wherewithal to satisfy those views, which, with most men, are their only motives for action; otherwise it will be impossible to get a majority of the people to concur, even in those measures that are absolutely necessary for their own preservation.

It is therefore evident, Sir, that those who think we are in any present danger from corruption, must be of opinion, that a general depravity of manners has of late crept in among the people of this kingdom, and that his majesty, by the advice of evil counsellors, has formed designs against the liberties of his people; which is an opinion that, I hope, is far from being entertained by any gentleman in this House. Whatever opinion we may have of the generality of our countrymen, I hope no gentleman thinks, that his majesty has any designs against the liberties of his people, or that he would harbour any such, were it in his power to carry them into execution. What are we then to do by the Bill proposed? If a general depravity of manners does not prevail, we are, without the least shadow of reason, to deprive the people of the service of those, who, if they are honest, are certainly best able to serve their country in parliament; and if a general depravity of manners does prevail, we are to deprive his majesty, who, we are certain, can have no bad designs, of the only means he can have for carrying his good designs into execution, or, indeed, for answering any one end of government.

But now, Sir, let me suppose, which, I am sure, there is no ground for, that a majority of this House not only think, that the people of this nation are generally governed by selfish and corrupt motives, but also, that his majesty has, by the advice of evil counsellors, formed designs against the liberties of the people: even in this case, can we suppose that this Bill would be a proper remedy? From experience we must conclude, that it would have a quite contrary effect; like the self-denying ordinance in Cromwell's time, it would not only facilitate, but hasten that very consequence it is intended to prevent. The passing of such a bill, would be an immediate and infallible cause of a division and contention between the king and his parliament, which would of course drive both to extremes; and as we have supposed both sides governed by ambitious and selfish views only, whichever side prevailed, the contention would end, as it did in Cromwell's time, in the establishment of arbitrary power. Therefore, if there were any present danger from corruption, the only method for providing effectually against it would be, to take proper measures for restoring the virtue of the people, and for removing evil counsellors from the king, both which may be done by parliament, but can never be done by such a bill as is now proposed; and therefore, I must be against giving leave to bring in a bill, which, I think, can in no case be of any service, and which may, probably, be attended with most pernicious consequences.

Mr. *Edward Southwell:*

Sir; the Bill now moved for, is of so great consequence, so ardently desired by the nation in general, that I cannot satisfy myself with giving a bare assent to the motion for bringing it in, and therefore, I must venture upon the hard task of betraying my own inability, rather than sit silent in a debate, whereon, I think, the freedom and independency of parliament, and the very being of our constitution depend. A debate, Sir, which, by its event, must, in effect, determine, whether the Commons of Great-Britain are ever hereafter to be properly represented in this House, whether we are really to be any longer a free people or no.

It would ill become me, Sir, to dare to insinuate the least reflection upon any of

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those gentlemen who have the honour to be employed in his majesty's service, or to be distinguished by his royal favour. Their rank and their station claim a due respect, and I have ever paid them such as becomes a freeman. As gentlemen, and as individuals, I have a great regard for them; but as legislators, and as an aggregate body, I must own, their numbers, their power, and their influence here, may give just grounds of jealousy and apprehension, to every man that understands the nature and admires the wisdom of our happy constitution; especially if we should ever happen to see an union, or coalition of their several interests, for their mutual support, and, as it were, in one common cause, whenever the state of our army, or navy, of our treasury, or revenue, or of the nation in general, shall come under the consideration of this House.

We justly value ourselves on the wisdom and equity of our laws, for trying the life, liberty, and property of the meanest subject, by impartial judges, and disinterested juries. Shall we be thus careful of the liberties and properties of private men, and take no care of the liberties and properties of the people in general? Shall we remove a juror, in a case of private property, if it appears that he has an interest in either side of the question; and in a case of public property, shall we admit a majority, or near a majority, of those that are to be judges, to consist of such as have the whole, or the greatest part of their subsistence, depending upon one side, perhaps the wrong side, of the question? Surely, Sir, this great council, which is entrusted with the happiness, the property, and purse of the nation, demands at least equal care and attention: the guardians of the laws, liberties, and public interest, ought, above all men, to be disinterested and independent; free not only from the imputation, but even from the least suspicion of any pecuniary bias whatever. In private life, it would be absurd to allow any man to sit as judge and jury in his own cause; and in this House, where our all is at stake, is it not equally absurd, may it not be destructive?

Sir, there is no design to turn out of this House every gentleman that has a place or office under the crown. By the Bill now moved for, all those who have places or offices under the crown are to be excluded from having seats in this House, except such placemen and officers as shall be named in the Bill; and when this exception comes to be filled up, it will appear, that there may still be at least 150 placemen and officers in this House, which surely is a number sufficient for answering all the good purposes of the crown; and, I hope, no gentleman will say, we ought to have such a number of placemen and officers in this House, as may answer those bad purposes which some future ambitious king, or bad minister, may happen to have in view, or may be prompted to have in view, when he considers that he has such a great number of placemen and officers in this House.

The long and expensive wars this nation has been obliged to carry on, for the just defence of our religion, our laws, and our liberties, have engaged us in immense debts: these debts still subsist, and have had this fatal consequence, that, while they have settled the balance of power abroad, I fear they have overturned the balance of power at home. They have raised a numerous swarm of revenue and excise-officers, and other tax-gatherers, who have overspread the nation like locusts. It is well known what influence these officers and tax-gatherers have upon elections, and I may also say, it is well known, what use they make of it. They influence our elections, not only while they live, but also when they die; for many electors are influenced by the hopes of succeeding them.

We are again engaged in a just and necessary war, whereby our fleets are become more numerous, our land-forces greatly increased, and more and more levies of marines every day made. These augmentations must throw a new weight of power into that scale, which seems already to be charged beyond its due proportion: and of course the freedom of parliament, and the security of our constitution, will be thereby more endangered, which has raised great jealousies all over the nation.

This Bill, Sir, seems to be the only sure method to allay these jealousies, and to prevent these dangers. It is not meant to exclude all placemen from parliament. It is meant only to restrain and limit the number of placemen, which in future parliaments may become so great, as to be inconsistent with the freedom of parliament, or the preservation of our constitution. This effect the Bill will have, if, luckily for us and our posterity, it be passed into a law; but this is not the only good effect it will have. Besides this, it will have many other good effects. It will not only limit the number

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of placemen in parliament, but it will also soon lessen their number, and their expence in general. If this Bill should be passed, new places would not be created, many old ones would be abolished, no more officers would be employed than were absolutely necessary; and, I verily believe, no more would be allowed them than they strictly earned: A small salary would then satisfy a clerk in an office, who might now, perhaps, reject it, as a member of this House; and men might well afford to serve for half pay, who had no interest to support, and no other merit necessary for the post they enjoy, or the post they aspire to, than the bare qualification for that, and that alone. They would then become men of one calling, and of one business: they would be more diligent and faithful in the discharge of their duty, because they would be more afraid of being called to account.

The nation, Sir, grows daily more jealous of its liberties, and more zealous for the security of them, by the success of this bill; and, therefore, I hope that, at least, so much deference will be paid to the voice of the people, as to admit their representatives fully to debate the merits of this important cause. The voice of the people is well worthy the attention, the serious attention of a wise legislature: It is a voice that first or last will be heard, and will have its effect: It is a voice that is not to be silenced, that is not to be smothered, much less to be rejected with contempt. Therefore, Sir, in duty to his majesty, that he may reign happy in the hearts, in the affections, and confidence of his people, which alone can render him powerful at home, and formidable abroad; in justice to my country, that these valuable rights and privileges, derived to us from our ancestors, may be transmitted down to posterity: in discharge of my own conscience, and of the great trust reposed in me by my constituents, I thought myself obliged, notwithstanding the just sense I have of my inability, to give this public testimony of my approbation of what is proposed, and I do most heartily join in the motion for bringing in this important and most necessary bill.

Mr. *Henry Pelham:*

Sir; the hon. gentlemen, who in this debate have spoke in favour of the motion, seem all, by their arguments, to presume, that every gentleman, who has a place or office under the crown, is to receive directions from the crown, with regard to his behaviour in this House, and that he will always vote and act here according to these directions. Sir, if there were any ground for such a presumption, if I thought that there could ever be any ground for such a presumption, I should most readily agree to this motion: I should not only be for excluding all such gentlemen from having seats in this House, but I should be for laying them under all the incapacities which excise-officers are already by law subjected to. I should be for preventing their endeavouring to persuade any elector to give, or to dissuade any from giving his vote for any candidate at an election. But I am very far from supposing, that the crown, or any minister of the crown, will ever attempt to give directions to any member of this House, with regard to his behaviour here: and much less can I suppose, that any gentleman, who has the honour to be chosen a member of this House, would submit to follow such directions, for the sake of any place or office he can have or expect from the crown. When a gentleman is chosen a member of this House, he thereby becomes a counsellor for his sovereign, as well as a trustee for the people, and, in both these respects, he is in honour bound to give his opinion freely and sincerely upon every question that occurs. A place or office under the crown may prevent his associating himself with those that appear to be disaffected or discontented, or it may engage his assent in things that appear to be indifferent, or of no great moment; but it can never engage his approbation of any measure that appears to be inconsistent with the liberties of the people, and consequently, with the security of the crown; for these two have now such a mutual dependance, that no attempt can be made upon either, without at the same time weakening the other.

For this reason, Sir, I should think our liberties and constitution in no danger, even though a majority of this House consisted of such as held places and offices under the crown, provided they were regularly and fairly chosen, which they could not be, unless they were gentlemen of good characters, of good fortunes, and of a good family interest in their country: With such a parliament, if the crown should begin to form any arbitrary designs, some few of this majority might, perhaps, be brought over, by the hopes of great preferment, or by the fears of losing what they possessed; but the greatest part

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of them would certainly join the party against the court, for this very good reason, because it would be the most certain way of preserving not only their own fortunes, but also the places and offices they enjoyed. If they should join with the court in giving a parliamentary sanction to such designs, and establishing an arbitrary power in the crown, they would not only render their own private fortunes precarious, but they would put it in the power of the crown to turn them out of the places and offices they possess without any danger; and this would, probably, be the consequence; for the lowest and most upstart fellows are generally the best servants, and most humble slaves to a haughty prime minister of an absolute sovereign. This, I say, would be the case, with regard even to those placemen of family and fortune, who had concurred in the establishment of arbitrary power: They would be all turned out, and more humble slaves, or at least, slaves to whom the crown and its ministers did not owe such obligations, would be put into their room, as soon as it could be done without danger of overturning that lofty fabric of power, which by their assistance had been erected.

This, Sir, would be the certain fate of all gentlemen of character, family and fortune in the country, if they should, for the sake of preserving their posts or offices, join with the slaves of a court in giving a parliamentary sanction to, and thereby establishing an arbitrary power. On the other hand, if most of them should declare against the court, as, I believe, would be the case, they would immediately put an end to such a wicked administration. The parliament would immediately remove all such evil counsellors from about the throne, and probably send them where they deserved: in which case, it would be out of their power to advise the king to remove those placemen that had voted against them; and the new administration would be bound in gratitude, to continue in office those that had contributed to their advancement, and to the relief of their country. Nay for their own sakes they would be obliged to continue them, and to restore such as had been removed, because those placemen and officers who had given such a testimony of their honour, and of their generous love for their country, would thereby become so popular, and acquire such an additional interest in their respective counties, that it would be very dangerous for the new administration to do them any injustice.

From hence, Sir, I think it is evident, our constitution can never be in danger from any number of places and offices that can be held by the members of this House. On the contrary, I think, the chief security of our constitution consists in this very power or capacity, which the members of this House have, of enjoying places and offices under the crown; because, the crown is thereby obliged to employ gentlemen of character, fortune, and interest, in the executive part of our government. When two gentlemen are candidates for any place or office in the executive part of our government, both equally qualified as to personal abilities, but one a gentleman of good fortune and family, the other of neither, I believe it will be granted, that the former ought to be preferred; and as long as placemen or officers are allowed seats in this House, or votes at elections, the crown, or the ministers of the crown, will certainly prefer the former, in order to prevent his appearing against them, in all matters of an indifferent nature, either in this House, or at elections; but if by preferring him, they should render it impossible for him to do them any service, either in this House, or at elections, they would certainly prefer the other, because he would be a more obedient and submissive tool, and much more attached to their personal interest and safety.

The consequence, therefore, of excluding most placemen and officers from having seats in this House will be, that in a short time, none but men of low birth and no fortune will be employed in our army and navy, and in every other post or office, that is necessary for the executive part of our government; and if this should ever happen to be the case, I should think our constitution in much greater danger, than it could be, should every member of this House have a share in the executive, as well as he has in the legislative part of the government of his country. For this reason, I must be of opinion, that as long as you leave the executive part of your government in the crown, you ought to leave the constitution upon the footing it now stands, if you have a mind to preserve it from being overturned by an army commanded by officers, and assisted by a great number of placemen, of no birth or fortune in their country, and consequently, ready to join with an ambitious prince or minister, in overturning its liberties.

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Whilst we have parliaments, Sir, and those parliaments regularly chosen, according to the laws already in being, I can have no notion, that the majority of such a parliament can be prevailed on by places or preferments, to join in arbitrary designs or oppressive measures; the only danger we are in is, lest the crown should be tempted, or obliged to govern without a parliament; and this even the justest and wisest prince may find himself obliged to do, if you should take away all those legal powers, which our ancestors have found necessary to be lodged in the crown in order to enable it to withstand faction and sedition. We know how giddy the populace are in every country: we know how apt the people are to be led astray by the artful heads of faction, whose secret designs are generally very different from their public professions. All wise governments foresee dangers and inconveniences at a great distance, and, in order to avoid these dangers, are often obliged to take measures, that may seem wrong or oppressive to the ignorant: they may often have wise and good reasons for what they do, and yet those reasons may be such as must not be publicly explained. These circumstances the heads of factions, the disaffected, and the discontented, take advantage of, in order to misrepresent the government to the multitude; and by these means, even against a just and wise prince, a general discontent may be made to prevail for some short time, and until the eyes of the people be opened. If such a prince had no honours to bestow, nor any rewards to give to such as do not allow themselves to be led away by popular clamours, his government would be tore to pieces by a factious parliament, or he would be obliged to carry it on without any parliament at all; and in either case, our constitution would be undone.

Against this danger we are guarded, Sir, by the honours and favours which the crown may bestow upon those electors and members who do not, out of an affectation of popularity, chime in with every popular discontent; and this, I think, is the only use the crown can make of those honours, places and offices, which it has, by our constitution, at its disposal. These honours, places, and offices, may be a support to the crown against a popular frenzy or delusion, and may support it in a legal way, till the people have leisure to consider, and return to their senses. By these, many gentlemen may be prevented from joining with a popular faction, either at elections or in parliament, and may at both be kept firm in their duty to their king and country; but by these, no gentleman of any family or fortune can be prevailed on to join with the crown in destroying the liberties of his country.

I hope, Sir, our liberties and privileges are as yet in no danger. As long as the people are guided by a spirit of virtue and public good, their liberties and privileges never can be in danger from any honours or rewards the crown has, or may have in its power to bestow. But if the people should ever become so abandoned, as that a majority of them should be ready to sacrifice their liberties and privileges for a present reward, it would, I think, be a very ridiculous undertaking, to endeavour to guard against it by laws, which the people would certainly repeal as soon as their purchasers desired it. Nay, in such a case, I should think, it would be happy for the people to have their liberties and privileges taken from them; for when the individuals of a community make no other use of the liberties and privileges they enjoy, but to prey upon the public, I am certain those liberties and privileges must be taken away, or the community itself will soon be destroyed. Therefore, if it be supposed, that the crown may, by means of places and offices, get a majority in Parliament, that, for the sake of the places and offices they enjoy, will sacrifice the liberties and privileges of their country, it may be an argument for putting an end to all Parliaments, and establishing an unlimited power in the crown, but it can be no argument for the Bill now proposed; for if we can suppose, that a majority of any future Parliament will be such, as are entirely governed by their own immediate interest, I am sure they will make use of the privileges they are invested with as members, in order to accomplish that which is their only aim, and if they find they cannot accomplish it by serving the crown, they will endeavour to accomplish it by destroying the crown, and, probably, by overturning our present happy establishment.

This, indeed, is the consequence I chiefly apprehend. We know, Sir, how numerous the disaffected still are in this kingdom; and they, we may suppose, are not insensible of the prejudice that has been done to their faction, by the places and offices which are at the disposal of the crown.

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These places and offices are, as I have said, of great use to the crown, and, I think, to the nation, in preventing gentlemen from joining with a faction, or winning them away from it; and the jacobites are sensible, they have lost many by this means, some, perhaps, after they had got them a seat in this House. For this reason, we find, they are, in every part of the kingdom, great patrons of this Bill. I hope we have none of them now in this House; I am sure the hon. gentlemen who have proposed and promoted this Bill, can lie under no such imputation, nor can they be suspected of any such motives; but we know, that without doors, the clamours for this Bill are zealously promoted by the disaffected, which cannot proceed from any principle of liberty, because from their principles, they must be for enlarging, instead of diminishing, the power of the crown. It can proceed from nothing, but an opinion, that it would promote their cause: and, as I happen, in this case, to be of the same opinion with them; as I am afraid that, if the Bill should pass into a law, we might have a majority of jacobites, instead of placemen in this House, therefore, I must be against giving it any countenance, and consequently, against the motion, for leave to bring it in.

Mr. *Pulteney*:

Sir; the opposition made to this motion is, in my opinion, one of the strongest arguments that can be made use of in its favour, and must, I think, appear so to every man, who considers the persons concerned in that opposition, and the arguments they make use of for supporting it. Who are the persons that oppose this motion? Who were they that have always opposed such motions? Placemen, ministers, and the favourites or pensioners of ministers. What do they say for justifying their opposition? They deny a principle, a maxim, which, in all ages, in all countries, has hitherto been acknowledged, and, upon which, many of our laws now in being are founded. That a gentleman's behaviour in this House may be influenced by a place, or a pension, is a maxim universally acknowledged, and in this kingdom so much established, that we have, already, by law, excluded many of the former, and all the latter, from having seats in this House. We have, already, by law, excluded all pensioners from having seats in this House; and, I should be glad to know the difference between a pension of 1,000*l.* a year, and a place with a salary of 1,000*l.* a year. I know of none, save only that the latter is generally more valuable than the former; and, therefore, a gentleman will be more loth to lose it, or to give a vote in this House, that may disoblige a minister who can take it from him.

I say, Sir, that a place, with a salary of 1,000*l.* a year, is more valuable than a pension of 1,000*l.* a year; because a place furnishes a gentleman with an opportunity to serve his friends, and, perhaps, to provide some of them with little places or offices under him. To which I must add, that a place often furnishes a gentleman, who is not very scrupulous, with an opportunity of plundering his country yearly, of twice, perhaps ten times, the value of his salary; and this, I must observe, makes another very material difference between a place and a pension: a placeman may very probably be a person, whose conduct this House ought to enquire into: he may be a public criminal, and therefore he will certainly be against an impartial and strict enquiry into the conduct of any minister, officer, or placeman, lest the enquiry should at last light upon himself. There is, therefore, greater reason for excluding all placemen, than for excluding all pensioners from having seats in this House. Our admitting some of the former, does not proceed from an opinion, that a gentleman's behaviour may not be influenced by a place, as much as by a pension, but from the necessity we are under, of having some great officers amongst us, in order to give us proper information and direction, in many affairs that must come under our consideration.

For this reason, when I hear gentlemen, who have very good places, gravely telling us, that no gentleman of family or fortune can, by any place he may enjoy or expect, be induced to join in measures, that may be of dangerous consequence to the constitution or liberties of his country, I think it is a clear proof, not only that the behaviour of a gentleman of family and fortune may be influenced by the posts he enjoys or expects, but also, that his judgment may be biassed. He may be, thereby, induced to think those things indifferent, or of no moment, that are far from being so: he may be, thereby, induced to think the liberties of his country in no danger, when they are upon the very brink of destruction. I shall grant, Sir, that we ought not rashly, and without just cause, to make

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any alteration in our constitution, nor ought we to frighten ourselves with fanciful dangers; but if the danger we now apprehend, from the great number of officers and placemen in this House, be suggested only by a melancholy and gloomy disposition, that disposition is, I am sure, now become epidemical, for there is not, I believe, a man in the nation, not possessed, or in expectation of some post or pension under the crown, who does not apprehend this danger, or who is not convinced of its being not only real, but imminent. Placemen and pensioners may, it is true, be of a more gay disposition than others, and therefore not so apt to apprehend our constitution's being in danger; but, for this very reason, we ought not to have a majority of them in this House; for if ever we should, I may prognosticate, that their gaiety will give the rest of the nation good cause to be melancholy.

An hon. gentleman who has had several, and has now a very good place, has been pleased to tell us, that we ought never to think of providing against any danger, till it be felt, as well as foreseen. I do not know, Sir, what that gentleman may feel, or foresee; but I can assure him, the nation thinks it has often felt the influeuce of places and pensions in this House. I shall not undertake the invidious task of shewing how, or when, that influence has been felt; but I may say in general, that even of late years, there have been many questions in this House, which would not have gone as they did, had we had few or no officers or placemen amongst us; and if all the officers and placemen would now retire, or refuse to give their votes in this question, in which they may properly be said to be parties concerned, I should not doubt the success of my hon. friend's motion. In this House, we ought to see with the same eyes our constituents see with, and we ought to feel what the nation feels, which is a good reason for our admitting but few placemen, and no pensioners amongst us; for both the seeing and feeling of him who receives 500*l.* or 1,000*l.* a year, will always be very different from the seeing and feeling of those that pay it. The difference between the foresight of placemen, and that of the nation, is notorious, and very remarkable, in this, that the former are mighty quick at foreseeing those dangers, which occasion the keeping up of a standing army, but with regard to those dangers that threaten our constitution, they have hitherto appeared to be almost quite blind; whereas the nation has always been, and, I hope, always will be, quick-sighted with regard to those dangers that threaten our constitution, and never very apprehensive of any of those dangers that are usually pretended for our keeping up a numerous standing army. This, I say, is a remarkable difference, with regard to the faculty of seeing or foreseeing any danger; and with regard to that of feeling, it is certain, a gentleman of 1,000*l.* a year estate, who pays 700*l.* a year towards our national taxes, and has a pension or salary of 1,000*l.* a year paid him out of those taxes, can never be so sensible of their weight, as another gentleman of 1,000*l.* a year estate, who pays but 500*l.* a year towards our national taxes, and has no pension or salary coming in. Therefore, I hope the hon. gentleman will forgive me, if I say, that our liberties may be in the most imminent and real danger, though neither he nor any other placeman, either feels or foresees it; and this, I think, is a very good reason, why our liberties should not be committed to their keeping.

I shall admit, Sir, that a gentleman of family, fortune, character, and interest in his country, is not so liable to be influenced by a place he may enjoy or expect, as one who has none of these advantages; but will any gentleman say, that none but gentlemen of family, fortune, character and interest in their country, can get themselves chosen members of this House? Do not we know, that a minister may get a man chosen, though he has neither family, fortune, character, nor interest to recommend him? Do not we know, that most of the little boroughs upon our coasts, are already, by means of our custom-house, and sea officers, brought entirely under the direction of our administration? and if the late excise scheme had passed into a law, I believe, the case would, by this time, have been the same with regard to most of the little inland boroughs in the kingdom. Suppose this should hereafter be brought about, by means of some such scheme, past into a law, at the end of a session, and before people had time to consider its consequences: Could we suppose, that a wicked or ambitious minister, would ever allow a gentleman of family or fortune to be chosen by any of the boroughs under his direction, unless

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he were such a one as would be influenced by the place the minister had given, or could give him?

In this case, Sir, let us consider, that of the 513 members that represent England and Wales, there are but 92 chosen by counties, and of the remaining 421, there are at least 350 chosen by cities, boroughs, and cinque-ports, where the administration would have the absolute command and direction. If this should ever happen to be our unlucky fate, can we suppose, that any gentleman would set up to be a member of this House, or a representative even for any of our counties, but such as resolved to submit, with regard to their behaviour here, to the absolute direction of the prime minister? For no gentleman of honour would put himself to expence, or expose himself to the resentment of an all powerful minister, if, by setting up as a candidate at any election, he were absolutely certain that he could thereby do his country no service. Instead of gentlemen of family, fortune, character, or interest in their country, we should then see this House filled with the lowest tools, and vilest sycophants of absolute power. Instead of this House's being a check upon ministers, it would then like the parliament of France, or the Roman senates under their emperors, be an instrument for the oppressions of ministers, and a cloak for their crimes. The most rapacious plunderer, the most tyrannical oppressor, would then insolently boast that he did nothing but according to law, that the public treasure was regularly accounted for in parliament, and that he was at all times ready to submit his conduct to a parliamentary enquiry.

Surely, Sir, no gentleman can think, that the liberties of this nation consist in our having the resemblance of a parliament. We may have a parliament, that parliament may be chosen once every seven years, may sit annually as it does now, may pass laws, grant money, receive accounts, and even make enquiries, and yet we may have neither constitution nor liberty left; for if it should once come to be in the power of the administration, to have always a majority in parliament, ready to obey the directions given them by the ministers, there would be no necessity for destroying the very form of our constitution, or for making a direct and absolute surrender of our liberties: without either of these, our sovereign would be as absolute, and might be more tyrannical than the grand signior himself. Such a parliament would grant him as many spahis and janizaries, as he thought necessary for keeping his slaves in subjection, would give him any revenue he pleased to demand, and would pass whatever laws he might please to propose; and the judges, being under no parliamentary restraint, would, in every part of his dominions, give judgment according to the directions of the prime vizir, or governing bashaw. Thus oppression would be countenanced by the forms of law, and the people plundered, the innocent murdered, by the administration of justice.

It is this sort of ruin, Sir, we have chiefly to apprehend, and this sort of ruin we may, step by step, be led into, without our being sensible of the several steps. We shall certainly be led into it, if we trust, any longer, the guardianship of our liberties to those, whose foresight is blunted by the places they enjoy or expect. If a minister were to propose a law for giving the crown a power of sending to every county, city, and borough in the kingdom, such a *Congé d'Elire* for the choice of members of parliament, as is now sent to a dean and chapter, for the choice of a bishop, I believe, very few gentlemen of family or fortune would, for the sake of any place, agree to it; but an equivalent power may be got by multiplying penal laws, and increasing the number and power of officers; and a gentleman of family, fortune, character, and interest in his country, may, by a good place, be induced to believe, that such a law, or such an increase of the number and power of officers, is necessary for preventing fraudulent practices, or the like; and may, therefore, agree to it, without seeing the danger our constitution may be thereby exposed to: thus by degrees he may be made to agree to such propositions, one after another, till he has thereby established in the crown, the absolute direction of most of the elections in the kingdom.

This, Sir, would have been the certain consequence of the late excise scheme; and yet there were many gentlemen of family and fortune that approved of it. I am convinced they did not foresee this consequence. Nay, I have so much charity as to believe, that the chief patron of that scheme did not foresee this consequence; but every impartial man in the kingdom is now, I believe, sensible of it. That scheme was, indeed, such a large step towards giving the crown the direction of most of our elections, and by good luck, was so

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thoroughly considered, before it was brought into this House, that most gentlemen became sensible of the danger, before it was too late; and this was the cause of its meeting with the fate it deserved; but its fate will be a warning to future ministers, not to attempt making such a large step at once: they will from thence see, that they must grasp at this power by little and little, which they will certainly do, and as certainly, at last, accomplish, unless we take care to exclude from this House, most of those who, by the places they enjoy, are induced to have a better opinion of ministers, than any man ought to have, that is entrusted with the guardianship of the constitution and liberties of his country.

The question is not, Sir, whether a gentleman may be induced, by the office or place he holds or expects, to make at once, and in an open and direct manner, an absolute surrender of the liberties of his country: no prince or minister of common sense, will ever desire such a surrender; because, if he can get into his hands, an uncontrolable power over most of our elections, and, consequently, the direction of the parliaments chosen by this uncontrolable power, his power will, in every respect, be as absolute, and may be exercised in a more arbitrary manner, and with greater security to himself, than it could be, without the appearance of a parliamentary authority; for every unpopular and oppressive measure would then be made the act and deed of the parliament, and the lenity of the minister in the execution of those penal laws enacted by parliament, or in the exercise of those powers granted him by parliament, would be set forth and extolled by his tools in a Gazetteer, or some such paper, published by his authority, and dispersed through the whole kingdom at the public expence. The question, therefore, now before us is, Whether a gentleman's eyes may not, by a lucrative and honourable post or employment, be so overclouded, as to prevent his seeing through the plausible pretences, that may, from time to time, be made use of, by an artful minister, for getting into his hands, or into the hands of the crown, such an uncontrolable power, as I have mentioned; and this question, even with respect to gentlemen of family and fortune, will, I am sure, be answered in the affirmative, by every man in the kingdom, who does not possess or expect some post, or employment, or some of those titles of honour, which, by our constitution, as it is now modelled, the crown has absolutely at its disposal.

To tell us, Sir, that our liberties can never be in danger from a majority of placemen in this House, unless the people be generally abandoned, as to all principles of virtue and public good, and unless the crown has, at the same time, formed designs against our liberties; and that the only method for removing this danger, in case we should, at any time, be threatened with it, would be to take proper measures for restoring virtue and public spirit among the people, and for removing evil counsellors from about the throne: to tell us this, I say, Sir, in a serious manner, is something very extraordinary: it is mistaking the effect for the cause, and desiring us to begin at the wrong end. Corruption, Sir, is not the effect, but the cause of a general depravity of manners among the people of any country, and has in all countries, as well as this, been first practised and encouraged by ministers and courtiers. It would, therefore, be ridiculous in us, to think of restoring virtue among the people, till we have once made it impossible for ministers and courtiers to corrupt them; and, I am sure, would be still more ridiculous in us, to think of removing an evil counsellor from about the throne, till we have once removed his creatures and tools out of this House.

I hope, Sir, there are at present no evil counsellors about the throne: if there were, I am sure, no such counsellor has a majority of his creatures and tools in this House. If this were the case, it would have been very ridiculous to have made such a motion as this now before us. It would be very ridiculous to think of restoring our constitution by any legal method; it is this misfortune we intend to prevent by the bill now moved for. It is a misfortune now foreseen by all unprejudiced men in the kingdom. I hope it is not yet too late to think of preventing it by a legal method; for after we have once fallen into this misfortune, it will be impossible to recover. If an ambitious minister should once get a majority of his creatures and tools into this House, can we suppose they would consent to impeach, or remove him from the throne? Can we suppose, they would ever consent to any bill that might tend to distress the administration of their master? Can we suppose, they would refuse any thing that might tend to prolong his administration and increase his power?

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Every attempt to restore the constitution, would be branded with the name of republicanism: the discontents of the people would be called disaffection and jacobitism: every opposition would be said to proceed from malice and resentment; and the misfortune would be, that many honest well meaning men, induced by their places to have a better opinion of ministers than they ought to have, would give credit to these pretences, and would believe, that by agreeing to the minister's arbitrary schemes, they were only strengthening the hands of the government against republicanism, jacobitism, and sedition.

If it were possible to be merry in a debate of so great importance, it would be diverting to observe the contradiction in the arguments made use of against this motion. By some, our gentlemen of family and fortune are represented to be men of such strict honour, and such clear heads, that no place or pension can mislead their judgment, or direct their will: no selfish consideration can make them overlook the danger our liberties may be exposed to, or consent to any thing, they think may in the least endanger our constitution. By others again, our gentlemen of family and fortune are represented as such selfish, mercenary creatures, that unless the government would give them some post or pension, they would refuse to consent to those things that are absolutely necessary for the ends of government, and the preservation of their country. Now these two contradictory positions, though they cannot be equally true, may be, and, I believe, they are equally false. We have, I believe, some gentlemen amongst us, whose judgment cannot be biassed, nor their will directed, by any selfish consideration. Such men, I hope, we shall always have in some of our highest offices, and these are not designed by this bill to be excluded from having seats in this House; but their number will always be small, and, therefore, not sufficient by themselves alone, to support the constitution against a combination of all the fools and knaves that may hereafter get into this House; therefore, we must endeavour to prevent this combination, and this can only be done by such a bill as is now proposed.

On the other hand, Sir, I believe there may be some amongst us, who propose nothing by their service in this House, but their own private advantage; and whilst we have placemen and pensioners amongst us, such men will endeavour all they can to get into parliament. Nay, it may become so customary for every man that votes with the court, to have a place or a pension, that no man will do so without some such reward. But if ever this selfish spirit should get into parliament, our constitution will be undone; and to prevent this, is the design of the bill now moved for: if no man could, by being a member of parliament, propose to get any place or office, or any advantage to himself, the mercenary and selfish would seldom endeavour to get themselves chosen, at least they would never be at any expence for this purpose; and as such men have seldom a great natural interest in any part of the kingdom, there would always be such a small number in parliament, that their opposition could never obstruct or retard any thing that seemed necessary for the just ends of government, or for the preservation and happiness of the society. The public good would then be the only aim of ministers, as well as members, because neither of them could hope for success in any other; and as men of good sense and strict honour are the best judges of, and the most ready to agree upon what is necessary for the public good, it would then be as much the business of ministers to get such men chosen, as it is now their business to get such members chosen, as are men of mercenary tempers, or shallow understandings; for all ministers will have jobs to do in parliament, as long as they have any hopes of success, and the weak or mercenary will always be the most proper for this purpose.

I am indeed, surprized, Sir, to hear it said by an hon. gentleman, whose attachment to the present establishment is not to be doubted, that if most placemen were excluded from this House, there would soon be a majority of jacobites in it. Such a supposition is not to be made, without first supposing, that a great majority of the people are jacobites; and to suppose this, is, I am sure, no compliment to our present royal family, and much less to the king now upon our throne. As long as our parliaments are independent, and our elections free, there can never be any considerable number of jacobites, either in this House, or in the nation; but if there should once come to be a majority of placemen and officers in this House, that majority would soon create a majority of jacobites in the nation; and in that case, though the majority within doors might

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be a good security to ministers against parliamentary prosecutions, yet it would be but a bad security to the royal family, against an insurrection of the whole people without doors. The army, upon which we now seem so much to depend, or a great part of them, would, probably, join with the people, and the certain consequence would be the overthrow of our present establishment. This danger, I know, a guilty minister will always chuse to expose his master to, rather than expose himself to a legal trial, before a free and independent parliament: because in a general conflagration, he may, possibly, escape notice, or may, perhaps, be able to sacrifice his master, by way of an atonement for himself; but those who support him in thus exposing his master, can have no great regard for their sovereign, and in such an event, would certainly meet with the contempt and punishment they so highly deserved.

For this reason, Sir, as I have a greater regard for the security of the royal family, than I have for the security of our present ministers, or of any set of ministers that shall ever get into the management of our public affairs, I shall be for putting it out of the power of any future minister to overturn our constitution, by getting a majority of placemen and pensioners into this House. This, I think, is now become absolutely necessary, for preventing our being brought under one of the worst sorts of tyrannical governments that was ever contrived or established. For this purpose, the Bill now moved for is one of the most certain, and one of the most obvious methods that can be thought of. It can be attended with no inconvenience. It is impossible to shew so much as a plausible reason against it; and, therefore, if this motion be rejected, it must afford a most melancholy reflection to every one that understands our constitution, and has a regard for the liberties of his country.

Sir *Robert Walpole*:*

Sir; I was a little surprised to hear it said, by the hon. gentleman who spoke last, that this motion's being opposed by ministers and placemen, is a strong argument in its favour. In my opinion, this is a sort of begging the question. Before we can suppose this to be an argument in favour of the motion, we must suppose, that ministers and placemen oppose it, not because they think it wrong, but because they are ministers and placemen, which is the very question now in debate. I do not believe, that ever any minister or placeman opposed, or supported a question in this House, contrary to his private sentiments, and only because he was a minister or placeman. I am sure their conduct of late years has given us no room to think so; nor can we ever have room to think so, as long as none but gentlemen of credit and honour are employed in the administration, or in any place of honour and profit under the crown. If mere upstarts, or persons of no fortune or credit in their country, were employed, and by illegal methods brought into this House, for by fair means they could not, there might be some room for making such a supposition, and then there would be some cause for bringing in such a Bill as is now proposed; but when I look round me, and consider the particular circumstances of those gentlemen now here, who have the honour to be at the same time in the service of the crown, I must look upon the danger, now pretended to be so real and imminent, to be as chimerical a danger, as the most luxuriant fancy can invent.

I shall agree with the hon. gentlemen who seem so fond of this Bill, that if the crown could gain an absolute and uncontroulable power over all, or a majority of the elections in the kingdom, every parliament thus chosen by the power, would be under the direction of the crown, and in this case our constitution would be at an end; but this I think impossible. Whilst the crown pursues right measures; whilst none but gentlemen of good credit and fortune are employed in the administration, or in any superior post or office under the administration, the crown will certainly have a great influence both in parliament, and at elections; but this proceeds from the wisdom and uprightness of its measures, and from the natural weight of those that are employed; and it would certainly cease, as soon as the crown began to pur-

* "When the Place Bill was brought before the House, the minister departed from his usual custom, of giving only his silent vote; he spoke against it with great strength of argument. All his efforts, however, could only procure a small majority of 16; 222 against 206. The cause of this numerous minority was principally owing to the approach of a general election, which influenced many who favoured administration to vote for the question." Coxe's Memoirs of Sir R. Walpole.

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sue contrary measures; because, we must suppose, the administration would then certainly be deserted, and opposed by all, or most gentlemen of any fortune or credit in their country. This, I say, we must suppose, unless we can suppose, that gentlemen of fortune and credit in their country, would unite in measures for making a sacrifice of themselves, as well as their country; which is a supposition that cannot, I think, be made, nor pretended, by any man whose head is sound, and heart sincere.

In all questions, Sir, which do not admit of demonstration, there must be a variety of opinions; and as questions of a political nature are less capable of demonstration than any other, it is natural to see a difference of sentiments in every country like this, where the people have not only a power to judge, but a liberty to talk and write against the measures pursued by the government: this is natural, and even necessary, in every country where the people are free; and as every man is fond of his own opinion, and fully convinced of his having reason on his side, he is apt to imagine, that those who differ from him, must be governed by some prejudice, or by some selfish consideration. From hence it is, that all those who disapprove of the measures of the government conclude, that the approbation of those that differ from them, proceeds from the influence of some lucrative post they are in possession or expectation of; and on the other hand, those that approve of, and support the measures pursued by the government, are apt to conclude, that the opposition is entirely owing to party-prejudice, or to malice and resentment. For my part, I shall always endeavour to keep in the middle course, and to believe that both are in the wrong; and therefore, I shall always be against any alteration in our constitution, when I think, that the alteration proposed is founded upon one or other of these mistakes. I should be as much against restraining the liberties of the people, in order to prevent that influence which is supposed to proceed from party-prejudice, malice and resentment, as I shall be against restraining the power or free choice of the crown, in order to prevent that influence which is supposed to proceed from the disposal of places and preferments. There may, perhaps, I believe there always will, be a little of each in the nation; but neither can ever be of any dangerous consequence to our constitution: on the contrary, they serve as a balance to each other; so that by removing either, without removing the other at the same time, the constitution will run a great risk of being overturned.

There are many causes, Sir, which naturally raise a party against the best and wisest administration. In this life, it is impossible for us to be completely happy. All men feel some wants, pressures, or misfortunes; and very few are willing to impute them to their own folly, or to any mistake in their own conduct. To such men, the administration is in politics, what the devil is in religion; it is the author of all their misdeeds, and the cause of all their sufferings: this naturally breeds in them a bad opinion of the administration, and then, of course, they not only condemn, but oppose all its measures. This must raise a great many enemies to the administration in every country, and their number will be considerably increased by those that are disappointed of the honours or preferments they expected, and justly, as they thought, deserved; as well as by those that wish for a change in the administration, for no other reason but because they hope for a share in the next. In all countries it is honourable to have a share in the government of one's country: in rich countries it is profitable as well as honourable; and as there are but a very few in any country that can have a share of the government, and still fewer that can have such a share as, they think, they deserve, there must be many candidates for every title of honour, or post of profit, that is to be disposed of. Of these candidates, one only can be chosen, and all the rest will, of course, think they have had injustice done them; for few men are so modest as to think such a disappointment owing to their own want of merit, or to the superior merit of their rival; and from thence they will begin to entertain a secret animosity, nay, perhaps, they will declare an open enmity to those at the head of the administration.

By these two sorts of men united together, there will always be a considerable party in every country, ready to condemn and vilify the wisest measures that can be pursued by the administration; and, as in every free country there are different parties, as in this country there are at present, and, I believe, always will be different parties, the parties that are by their profession and principles opposite to the party in power, will be ready to find fault with every thing done by the administra-

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tion. In this country, I say, Sir, there are, and, I believe, always will be different parties: there are at present, and will be as long as our present happy establishment endures, three different parties in this kingdom: The jacobites of one side, the republicans of the other, which I may call the two extremes; and the party for supporting our present happy establishment, which may be justly called the proper mean between these two extremes.

Thus, Sir, we may see what a numerous party our administration must always have to struggle with. All these sorts of men, the discontented, the disappointed, the jacobites, and the republicans, will always be ready to condemn and oppose the measures of the administration, let them be never so wise, let them be never so just; and by their arguments they will often be able to prevail with some well-meaning and unthinking men, or at least to stagger them in their opinions. With regard to parliaments, and the choice of members of parliament, our administration has no defence against this formidable union of parties, but by the wisdom of their measures to engage most gentlemen of credit and fortune in their interest. Whilst the administration pursues right measures, such gentlemen will be ready to join with them, and by this means the administration will always have a prevailing influence, both in parliament, and at elections; for when a majority of those who have the best fortunes, and greatest interest in their respective countries, are friends to the administration, it is not at all surprising, that an administration, by means of such friends, should have a prevailing influence at elections, as well as in parliament. But such friends, or at least a great number of such, no administration can have, that pursues measures inconsistent with the good of the community in general.

I shall grant, Sir, that a title of honour, or a lucrative post or employment, may be of some service in prevailing with a gentleman to judge favourably of the government's measures, in all cases where he is wavering in his opinion; but a bad government can never, by this way, gain many friends; even a good government can never gain near so many friends, as it will lose by causeless discontents and just disappointments; and if you should take away from the crown the chief advantage it can reap by the disposal of posts and employments, not only a good administration, but even the crown itself, may sink under the weight of party-prejudice, supported by causeless discontent, and just disappointment; therefore, to support the crown against the disadvantages and opposition which the wisest and best administration must always have to struggle with, I think, you ought to leave it in the power of the crown to dispose of all posts and employments, in the same manner they have been hitherto, without any bad effect, disposed of.

If you should, by the Bill now proposed, exclude all gentlemen in any place or office under the crown, from having seats in this House, you would, in my opinion, Sir, bring the constitution into much greater danger, than it can ever be brought into, by any number of placemen and officers that can be in this House; for the crown would, in that case, be laid under a necessity to employ none but men of low fortunes and no interest; because, if the places and offices under the crown should be given to gentlemen of character and distinction in their respective countries, and they thereby excluded from having seats in this House, the chief friends of the government being thus rendered incapable of standing candidates at elections, the disaffected, or discontented interest would prevail in every part of the kingdom; and in that case, this House would soon be filled with such as were declared enemies to the administration. To prevent this consequence, the administration would, therefore, be obliged to employ none in any post or office under the crown, but such as had neither fortune nor interest in their country, in order that their friends might be in a condition to get themselves chosen members of this House, for, I believe, it will be granted, that no administration could support itself, or answer any of the ends of government, if the majority of this House consisted of such as were its declared enemies.

From hence, Sir, I think it is evident, that if this Bill should pass into a law, the necessary consequence would be, that in a very short time our armies would be entirely commanded by officers of no fortune or interest in their country: our navy would be in the same condition; all posts and offices under the crown would be filled with men of the same stamp; and in these circumstances, if an ambitious, or a hot, passionate prince should succeed to the throne, I must desire gentlemen to consider, whether our constitution and liberties would not be in more danger, than

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they can ever be, as long as our army and fleet are commanded by officers, and all other considerable posts under the crown filled with gentlemen, of such fortune and interest in their respective countries, as to be able to get themselves chosen members of this House. It has been generally admitted in this debate, that gentlemen of no fortunes will always be more ready to second the ambitious designs of a court, than gentlemen who have good fortunes of their own, the security of which must depend upon the preservation of our constitution; and for this very reason, an ambitious or headstrong prince can never have any great affection for parliaments or senates, constituted as those in this kingdom are. If the prince could bring whom he pleased, and as many as he pleased into parliament, and expel or turn out whom he pleased, as the Roman emperors did with regard to their senates, the most ambitious and arbitrary prince would have no great occasion to grow weary of parliaments; but as the king can bring no member into this House, nor expel any one; as no gentleman can come into this House but by the free choice of his country, it must always consist of gentlemen of character and fortune, and consequently, will always be a restraint which an ambitious prince will be glad to get rid of; therefore, we have more reason to apprehend its being in the power of a prince to govern without a parliament, than its being in his power to govern or direct the parliament: and, I am sure, when our armies and fleets are commanded by officers, and all other posts filled with gentlemen of no fortunes, it will be more easy for a prince to govern without a parliament, than it ever can be, as long as many of those officers and gentlemen are members of this House.

Even the gentlemen who have spoke in favour of this Bill, are so sensible of the difficulty there will always be in obtaining the consent of gentlemen of character and fortune, to any thing that may look like an encroachment upon our constitution, that they seem to think, we are in no danger from the number of placemen and officers in this House, unless gentlemen of no character or fortune be brought here by the interest of the government merely on account of their having places or offices under the crown; and in order to magnify this danger, we have been told, that most of the little boroughs upon the coast, are entirely under the direction of the government, with regard to their elections, and that the little inland boroughs would have been in the same condition, if the late excise scheme had passed into a law. Sir, I find gentlemen will not, upon this occasion, make that distinction, which, I think, is a very obvious one, between the circumstances of our government, when none but gentlemen of good families and fortunes are employed in its service, and the circumstances it would be in, if few or no such gentlemen would accept of being employed, which will always be the case, when it is pursuing measures that seem to of dangerous consequence to the constitution, or inconsistent with the public good. In the former case, many of those employed in the government's service will be returned for inland as well as coast-boroughs, not because they are in the government's service, but because they have a great natural interest in their respective countries. In the latter case, as all these gentlemen that had any natural interest would be against the government, it would be impossible for the government to get many of its low tools chosen, either for our boroughs upon the coast, or for our inland boroughs. In this case, if the excise scheme had passed into a law, it would have made no difference; for, as long as our elections are free, those that have the best interest will always be chosen; and as the government's interest must always depend upon the interest of those that are employed in its service, no excise scheme, nor any such scheme, can give an interest to a government that has no gentleman of interest in its service. Therefore, as long as our elections are free, there is not the least danger, that any great number of gentlemen of no character or fortune can ever be brought into this House; and the freedom of our elections is already as fully secured as laws can secure it.

I hope, Sir, I have now fully shewn, that our constitution and liberties can be in no danger from any number of placemen or officers in this House, unless we suppose, that a great number of gentlemen of family, fortune, character, and interest in their country, would chuse to make a sacrifice of themselves, their posterity, and their country, rather than risk losing the place or office they possess under the crown. This is a supposition which, I think, there never can be any ground for. If there were: If it were possible to suppose such a general and abandoned venality

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among the better sort of people of this kingdom, the Bill would either have no effect, or a very bad one. Can we suppose that such venal and abandoned men would serve their country in parliament for nothing? They would either set up a traffic with the crown for private pensions to themselves, or posts and preferments to their trustees or relations, which no laws nor oaths could discover or prevent; or otherwise they would form themselves into a party for overturning the administration; and thus one administration would be overturned after another, till at last the country would become a prey to some foreign power, or until some one administration, more bold and artful than the former, should fall upon a method to establish themselves in arbitrary power. There is, therefore, no occasion for this Bill; or if there is, it would either have no effect, or a very bad one; and this, I think, is a sufficient reason for my being against bringing it in.

Sir *William Wyndham:*

Sir; the hon. gentleman who spoke last has told us, that questions in politics admit of no demonstration. In this I am entirely of his opinion, and, I think, this opinion was never more strongly confirmed, than by the debate of this day. There never was a question in this House, that could be brought nearer to a demonstration, than the question now before us; and yet, I find, it is not possible to convince those that may be affected by its being agreed to. It has hitherto been reckoned a maxim in law, which I never before heard disputed, that parties ought not to be judges; but now I find this maxim denied, and, indeed, it must be so, by every gentleman that says, our constitution can never suffer by a majority of placemen in this House; for that placemen and officers of all kinds must be parties concerned in many cases, which we, as members of this House, must judge of, is so clear, that I should have been ashamed to have given you the trouble of proving it, if I had not heard the motion now before you so warmly opposed.

Upon this occasion, Sir, I must observe, that all free governments must consist of two distinct powers, the legislative, and the executive, the last of which is always subordinate, and subject to the review of the first. The very essence of a free government consists, among other things, in this, that all those who are entrusted with the executive power, shall be accountable for their conduct to the legislative power, and may be punished by the legislative power, which always consists in some sort of an assembly of the people, in case it be found that they have neglected or transgressed their duty in the execution of their office; for what benefit could the people reap from their having the power of making their own laws, if those who are entrusted with the executive power of the society, might, without fear or controul, betray or neglect the public affairs of the society, or injure and oppress individuals, either by neglecting to execute the laws, or by executing them in a different manner from what was intended, or by pretending to act according to law, without having any law for their authority?

This, I say, Sir, is essential to every free government, and, accordingly, we have this regulation established by our frame of government in the most perfect manner. Those who are entrusted with the executive power, are all, or most of them, named by the king; but then every one of them, from the highest to the lowest, is accountable to, and may be punished by, the two Houses of Parliament; and it is particularly the business of this House, which is the grand inquest of the nation, to enquire into their conduct, and to impeach those we find guilty of any neglect or misdemeanor, in the exercise of that part of the executive power which is entrusted to them by the crown. Therefore, it is our duty to make frequent enquiries into the conduct of every minister, officer, and placeman appointed by the crown, and upon all such enquiries, we are to examine strictly into their behaviour, and judge impartially of their conduct. From hence it appears, that in all such enquiries, and in all questions relating to them, the members of this House, as such, are judges of the conduct and behaviour of every placeman, officer, or minister employed by the crown in the executive part of our government; and consequently, every placeman, officer, and minister, that has a seat in this assembly, must be both judge and party in many cases that ought to be brought before us.

It signifies nothing to say, Sir, that no officer can be a party concerned in the conduct of another officer, and that an officer who happens to be a member of this House, must retire, as soon as any question arises relating to his own conduct; for as there are many and great connections between different offices, and be-

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tween officers of different offices, which may at first view appear entirely distinct, it is impossible so much as to guess, when an enquiry, or any leading question to an enquiry, into the conduct of one office or officer is moved for; I say it is impossible to guess what other officers may, upon the event of a strict enquiry, appear to have been confederates with him in his crimes. Nay, even those officers that never had any dealings with him, cannot know but that a close enquiry into one office, may bring to light, as it often does, some mal-practices of other offices, in which they themselves have a concern: and therefore, every officer in the House will think himself a party concerned in every enquiry that can be set on foot, and will consequently endeavour to prevent or defeat every such enquiry. To this I must add, that, in all degrees and stations in life, men of the same trade, employment, or profession, especially where their business does not interfere, conceive an affection for one another, and are therefore apt to judge very partially in one another's favour; from whence it must be concluded, that in every such enquiry, and every question that arises relating to any such, all ministers, placemen, and officers, are parties concerned, not only in interest, but affection; and consequently, all those who have seats in this House, must in all such cases, be both judges and parties, which is directly contrary to the established maxim I have mentioned.

Whether it be owing to the great number of placemen and officers we have had for many years in this House, or whether it be owing to the integrity of those who have of late years been concerned in the executive part of our government, I do not know; but I must observe, that parliamentary enquiries into the management of offices, and conduct of officers appointed by the crown, have, of late years, been very rare; and yet, in order to keep all such officers to their good behaviour, I must be of opinion, that such enquiries ought to be frequently set on foot, and strictly carried on, though no direct complaint has been made against any one particular officer; for a public rumour is a sufficient ground for a parliamentary enquiry, and no man can say, that such grounds have been wanting. But whatever may be the cause of our having lately had so few parliamentary enquiries, I will be bold to prophesy, that if there should ever be a majority of placemen and officers in this House, we shall never afterwards have any more such enquiries, unless they be such as are set up at the instigation, and by the contrivance of ministers, in order to gain a little popularity, by throwing a scape-goat among the people. And if this should ever come to be our case, I am sure no man could, with justice, say that we lived under a free government, or that our constitution remained entire.

Thus, I think, Sir, the question now before us is brought as near a demonstration as any such question can possibly be. As members of this House, we are to enquire into and judge of the ministers, officers and placemen entrusted by the crown with the executive power of our government; as ministers, officers and placemen, named by the crown, we are the persons whose conduct is to be enquired into. Is it not evident then, that these two characters are incompatible, unless we say, that parties may be judges? Sir, it is so evident, that I should be for excluding every minister, officer, and placeman, from having a seat in this House, were it not for the necessity we are under of having some of the chief amongst us, in order to give us proper information with respect to the great offices they are at the head of? If this question admits of a variety of opinions, I am sure every question in politics must, and therefore, great care should be taken, that those who are to judge of such questions, shall not be under the least biass; for the weight and efficacy of the biass will always increase, in proportion to the doubtfulness of the question; which is a new argument against admitting placemen and officers into this House.

We have been told, Sir, that it is impossible to suppose, that gentlemen of great fortune and interest in the country will sacrifice the liberties of their country for the sake of a place they enjoy or expect. Sir, it is so far from being impossible to suppose this, that it is a common case. It has always been the case in every country where the liberties of the people have been sacrificed. The liberties of no country can be sacrificed, without the concurrence of many gentlemen of family, fortune and interest, and a criminal indolence or passivity in the rest. Some are led, contrary to the light of their own understandings, by their avarice, vanity, luxury, or extravagance; others are deceived by specious pretences, and led

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into such measures, the certain, though not the plain and direct consequences of which are slavery and arbitrary power. With the first sort of men, an honourable and profitable place affords them an immediate satisfaction for their avarice, or vanity, or an immediate supply for their luxury or extravagance, which they prefer to all other considerations. With the second sort of men, an honourable and profitable place gives them a biass to that side of the question upon which their place depends, and prevents their seeing through the specious pretences that are made use of for supporting that side of the question. And thus, between these two sorts of men, the liberties of any country may probably be given up, if they are committed to the keeping of those that have honourable and profitable places, which depend upon their making the surrender.

Let us consider, Sir, that even liberty itself is but a question in politics. Whether a limited or an absolute monarchy be the best sort of government is but a question in politics; and therefore, as the hon. gentleman has said, can admit of no demonstration. For this reason, even those that are gentlemen of fortune and interest in their country, if they be in the least governed by avarice, vanity, luxury, or extravagance, may, by an honourable and profitable employment, be induced not only to say and vote, but even to think, that an absolute monarchy is the best sort of government, and that they do a signal service to their country, by sacrificing its liberties. Nay, this very doctrine has of late been supported in private company, and by gentlemen of very great distinction. How natural then is it to suppose, that in political questions, where our liberties are not directly and immediately, but indirectly and consequentially concerned, a gentleman of distinction may be induced by an honourable and profitable employment, to approve of, or give his assent to the wrong side of the question? How natural is it to suppose, that the members of this House may, by such means, be induced to grant such revenues, such a number of troops, and such powers and prerogatives to the crown, as may, for ever after, put it out of the power of parliament to controul any of the king's measures, or to punish any of his officers, unless they be such as he may be pleased to throw out of his protection; and in this case, whatever forms of liberty we might have, I am sure it would be ridiculous to say we had any of the substance remaining.

Thus, Sir, I think, it is evident almost to a demonstration, that our constitution and liberties not only may, but must be destroyed, unless we shut the doors of this House against most placemen and officers, as we have already done against all pensioners; and as this is so evident, no objection that can be invented, no danger, no terror, we can be frightened with, shall prevent me from exerting all the power I have from its being done. Slavery to me is the highest of all terrors, and therefore I shall be for guarding against it at the risk of any other terror that can be imagined. But, I must say, that, in this long debate, I have not heard one plausible objection made against this exclusion. To tell us that a just and wise administration can have no friends of good fortune and interest in their several countries, but such as have places or offices under the crown, is something very surprising. If this were the case, I am sure it must be granted, that the places and offices under the crown are now become infinitely too numerous. But this, Sir, is not, nor ever can be the case. There are now in every county in England, one with another, 2 or 300 gentlemen of family, fortune and interest in their several counties, who have no places or offices under the crown, and who, under a just and wise administration, would be firm friends to it, and would be able to support it, in a legal way, against all the Jacobites, republicans, and discontented, that could, in such a case, be within the kingdom; and, among such a number, could not the administration find one or two to stand as candidates upon their interest at every election within the county? They certainly might, and their candidates would have this advantage, that they would have the votes and interests of all those gentlemen of fortune within the county who had places or offices under the crown, and could not, therefore, themselves, stand as candidates at any election. Therefore, should this Bill pass into a law, no future administration would be under the necessity of employing any but men of low or desperate fortunes in any place or office under the crown; and, I am sure, no just or wise administration will ever chuse it.

It has been said, Sir, that we ought not to make any alteration in our constitution without an apparent necessity; and that the alteration proposed by this Bill cannot appear necessary, unless we suppose such

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a venal and abandoned spirit to prevail in the nation, that most gentlemen of family and fortune amongst us, would be ready to sacrifice the liberties of their country, rather than risk losing a good post or employment under the crown. Sir, it is to prevent the growth of such a venal and abandoned spirit, that this Bill is intended. When the crown had but few lucrative posts to bestow, the most abandoned administration could not contribute much to the growth of this spirit; but the crown has now such a number of lucrative posts to bestow, that, if these posts should be applied to the purchase of a gentleman's vote in this House, or his interest at elections, such a spirit would soon prevail, and at last become universal. It would begin in this House: it would grow by example: one gentleman's being corrupted would not only be an example, but it would give countenance to a second; he to a third, and so forth, till at last it would spread through the majority of this House. From this House it would descend to elections; for he that sells will purchase, if he can otherwise have nothing to sell. Begin, Sir, at the fountain: clear that from corruption, and the stream will soon run clear; for if members cannot sell votes in parliament, they will never, or very seldom, buy that commodity at elections. Their vanity may sometimes prompt them to do so, but this can happen but seldom, and can never have any great effect.

I shall not say, Sir, that placemen have ever approved or opposed questions in this House, because they were placemen, and for no other reason; but this I will say, that the majority of the nation think they have often done so; and I must observe, that ever since I sat in parliament, our placemen have generally been of the same side with our ministers: if any of them dropt by chance into the other side of the question, they have of late years soon ceased to be placemen. Nay, even in this House, we have heard it delivered as a ministerial maxim, that no man ought to be allowed to keep his place under the crown, if he follows the directions of his conscience, and votes against any of the minister's measures or jobs in parliament. This makes me think the Bill the more necessary: the whole nation thinks so; and if this question should pass in the negative, the whole nation will think the Bill more necessary than they ever thought it before. They will think it absolutely necessary to have such a Bill, but now not possible to obtain it; which will of course raise such a discontent, or perhaps disaffection, in the nation, as may be of dangerous consequence to the present establishment.

It is really, Sir, most astonishing to hear it said, that the administration's interest in the several little boroughs upon our coast, depends upon the natural interest of those that have places under the crown. This, I say, is most astonishing, considering how notoriously it is known to be otherwise. I shall grant, that if the interest made in the little boroughs by custom-house officers, excisemen, officers of dock-yards, and such like gentlemen, be a natural interest, a clerk of the treasury or admiralty may be said to have a great natural interest in his borough; but as this interest depends upon his post, and not upon his family or fortune, I cannot call it a natural interest. Do not we know, Sir, that many of our little boroughs are already become so venal, so publicly venal, that their brokers, or rather their pimps, deal as openly for the sale of them, as bawds do for the sale of a prostitute. This infamous traffic I am for putting an end to; and as the Bill now proposed will be of great service for this purpose, I shall be not only for bringing it in, but for having it passed into a law.

After several other speeches had been made,

Lord *Gage* rose and said:

Sir; as the noble lord that spoke last, seems to be under so great an uneasiness, that the officers of the army and placemen should have been, as he thinks, reflected upon by those that have already spoke in this debate, as persons biassed by their employments in their way of voting; I shall therefore, to oblige him, begin by saying that, to be sure, they are all men of great honour, great probity, and always vote according to their consciences.

I shall now endeavour to answer the objections made to this bill, by the hon. gentleman that spoke immediately before the noble lord: but hope in the mean time he will forgive me, if I say he has not given any one reason, that can convince me or any unprejudiced person, that a bill for the limitation of places in the House of Commons, is not a right thing; being, in my opinion, the chief thing that can preserve our constitution from destruction.—As I have ever been in this way of thinking, since in parliament, and always voted for

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both place and pension bills; so I hope, whatever I shall say in support of the question before us, may not be looked upon as done from a spirit of contradiction to those that oppose it, or that I mean any reflection to any one whatsoever: but shall beg the indulgence of the House for a few minutes, to shew the danger that may befal this nation, if ever there should be an influenced House of Commons, the probability of its soon being so, and the necessity to find out, if possible, a remedy to prevent its ever being so.

Nobody, Sir, will deny but that, in former parliaments, this House has been filled with a parcel of mercenary wretches, who, Esau-like, sold their birth-rights, and from being born free, became slaves to their purchasers; and, if it cannot be denied that former parliaments have been corrupted, so future ones may; and therefore it is the duty of a good parliament to provide laws, if possible, to prevent what must sap the foundation of our liberties, and the very being and intent of parliaments.

To tell the gentlemen of this House of Commons, that a large number of places may not create an influence, would be to impose upon their understanding, particularly when the members hold them no longer than they vote according to the dictates of the minister. No, Sir, gentlemen know, that to receive from 500*l.* to 2 or 3,000*l.* per annum must be a bias over members votes, unless in a parliament as virtuous as this is; and, if that must be the case, and as many places remain to be disposed of amongst the members in future parliaments, as there are now, with the pecuniary influence that might also be added, what may not be the consequence, if ever England had the misfortune to have a bad king?

Then, if there should be a wicked and ambitious minister, the distributer of corruption, he might raise to himself a faction, that would screen and support him and his destructive measures, to the ruin of their country: for no controul to his actions, or justice on himself for his crimes could be hoped for, when those that were to be his judges, were partakers of his bounty, and shared with him the spoils of their country. —Parliaments then, Sir, would only be summoned to grant money; but its misapplication could never be made out, or any redress of grievances expected, when every light, or proof, that might be called for, would be sure to meet with a negative.

What difference would there be (as to any advantages the nation could reap by it) between a parliament of Great Britain, and those of France, if the members of a British parliament, by selling themselves for the lucre of their places, became equally subservient to the despotic will and pleasure of the prince on the throne? We then should be told here, as they are there, in answer to all attempts of advice or remonstrances to the crown for the good of the people, 'Sic volo, sic jubeo, 'stat pro ratione voluntas.'

If ever, Sir, there should be such a parliament as I have been mentioning, as there surely must be sooner or later, if court influence is to prevail in it, what then becomes of all our boasted liberty, all those valuable privileges, that were supported at the expence of so much blood and treasure? Though I must own, were we always sure of as good and gracious a king on the throne as we are blest with at present, or that his successors would equal the present heir apparent, who, by the many princely virtues and qualifications he is endowed with, presages the happiness we may expect one day or other to enjoy under his reign, there would be no fear of our constitution being endangered. But as our liberties may not always be as secure as at this happy juncture, this Bill is to prevent, in future times, those influences, that may be their ruin.

And I will venture to say, there never was a Bill more wished for by the people of England in general, than this is, they well knowing how far corruption has and may hurt this nation; nor are they ignorant of how much larger a number of placemen there are in this House of Commons, than ever were in any former, nor what it cost the nation to support them, and that they are still increasing. Not but that I am persuaded, they are as thoroughly convinced as I, and every gentleman that hears me, places have no influence in this House of Commons.

The nature of this Bill is so well understood, and has been so well explained, by the gentleman that moved for leave to bring it in, that I need say but very little upon that point; it being no ways intended, if it comes into the Committee, but that people of merit may have their seats in this House, and enjoy all the offices of state, treasury, admiralty, board of trade, and what other places the Committee may judge necessary to have the blank in the bill filled up with.

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I will now take notice of the two chief objections made by the hon. gentleman against this Bill. As to the first, where he says, that preventing the places being disposed of amongst the members of the House of Commons, would be throwing them into the House of Lords, and thereby make that House too powerful; it can have no foundation from what fell from the gentlemen, that moved for leave to bring in the bill; for they proposed that above 100 of the great places should remain in the House of Commons as at present; and therefore, those that make up the 200 now in the House, and intended to be excluded by this Bill, for fear of too great an influence, would be of such a nature, that none of the Lords would accept of them.

As to his second objection, that it is a hardship that a gentleman, who, through his merit, might be preferred by the crown to a place excepted by this Bill, should be debarred thereby the service he might do his country in parliament, when by the laws now in being, after his accepting the place, he is to be re-chose before he can sit; I shall say in answer to it, first, that there is nothing new in the legislature deciding by law, who is proper or not proper to sit in the House of Commons; for let a man be worth a million of money, unless he has 500*l.* a year in land, or issuing out of lands, he, by law, is debarred a seat in this House; which, considering the great property and merit he might be master of, may be thought a hardship.

The same hardships may be complained of by the commissioners of the customs and excise, as well as several other officers who hold places, and by law are equally debarred a seat in this House; and as the fear of influence was the occasion then, why may it not be as reasonable now for the parliament, for the same cause, to pass a bill to prevent a House of Commons being filled with a much larger number of placemen, than in former times were ever heard of?

And as to the second part of this objection, I can only add, that the legislature which enacted, that a member who accepted of a place, should be re-chose, to be sure, meant well, and by the by, shews that it thought a place might influence the member that accepted it, and therefore judged it not fit he should any longer sit in the House, unless those who had formerly entrusted him to represent them, and were supposed best to know his honour and integrity, could rely on him afterwards. But alas, Sir, how far does this answer the intent, when most of the placemen may be chose for boroughs they never saw, and where their names, till the time of the election, were never heard of by their electors, or else for such venal boroughs, that would prefer a placeman, thinking he would be best able to bribe them?

I shall beg leave, in a very few words, to give one farther reason why this Bill is even more necessary at present, than in former times, and that is, because parliaments are chose for seven years; and, I think, I may draw my argument from an observation I have made on a policy used in the military governments abroad, which may equally serve for the present question.

There, whenever a prince garrisons a fortified town, whose only security in it is the troops he has placed there, he never entrusts them to stay above two or three years at farthest, well knowing the danger that might ensue, if they and the townsmen should grow too intimate: So, Sir, a parliament, that is designed as a guard to the liberty of the people, against any encroachments of the crown, is much more liable to be corrupted when chose for seven years, than it could have been, as formerly, when annual, or but for three years. For in that length of time, the crown may easier find ways of being more intimate with its parliament, than consists with the safety of the people.

I shall add but one reason more, why I shall be for this Bill, and that is, because I am required so by my constituents, who, I think, have a right to direct those that represent them; and, as they themselves are above being corrupted, so no wonder they should wish to see a Bill pass, that they hope may prevent a biassed House of Commons: And I am not ashamed to own, that the instructions I have in my pocket, will weigh with me, and do not in the least doubt but that those gentlemen, who oppose this Bill, will find the weight of theirs in their pockets.

If a bill of this nature is never to pass, I will foretel, that as under the shew and mask of religion, the most wicked things have been executed, so under the specious name of a parliament, no longer the guardian of the people but a ministerial tool, England will be enslaved.

After nine hours debate, the question was put and passed in the negative, Ayes 206. Noes 222.

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*Debate in the Commons on a Motion for a Call of the House.**] January 31.

Mr. *Pulteney* rose and said:

Sir; it is with regret I observe, that almost every session introduces something new, in diminution of the liberties, or derogatory to the constitution of this kingdom. In former times, the grant of a Supply often stood a long debate in this House, and was sometimes absolutely refused; now it is always granted, *nem. con.* The Malt tax was never introduced till towards the latter end of king William's reign, and was at first most strenuously opposed: nay, even during the war in queen Anne's time, it was often opposed, and was looked on as a tax so burdensome upon the poor labourers and manufacturers of this kingdom, that no man imagined any minister would have the assurance to propose renewing or continuing it, after the war was over: Even our neighbours of Scotland thought themselves so sure of this, that, by the articles of Union, they stipulated to be free from this tax except during the war; but they, as well as we, have since found themselves mistaken: this grievous tax has been continued to this day, and is now, in some measure, become a motion of course. The mutiny bill was at first thought to be a most dangerous innovation, and was therefore most violently opposed, especially in time of peace; but it is now become so familiar to us, that we pass it regularly every year, without the least opposition, as if a standing army and a mutiny act were two things absolutely necessary for the subsistence of our constitution. Not many years ago, the members of this House, when assembled, looked upon themselves as the grand inquest of the nation, and therefore thought themselves in duty bound to enquire into every grievance and complaint, without any other foundation than a public rumour; but now every motion, that tends to an enquiry into any complaint, is rejected; or if any such enquiry be ever set on foot, it is committed to those who are themselves suspected of being the original and chief cause of the complaint.

Thus, Sir, we have, for several years, gone on approaching, I am afraid, to the confines of slavery; and in this session we have made a new and a very extraordinary step. Till this session it was always thought, that every member of this House had a right to move for a Call of the House. We are fellow labourers for the public good: we are all joint guardians of the liberties of our country; and every member has a right to insist upon it, that his companion should attend and bear an equal share of the burden, or at least a share proportionable to his strength and capacity. But in this session, Sir, we have seen a motion for a call rejected, though that motion was the first of the kind that had been made, though it was supported by strong reasons, and though it was desired by near one half of those that were then present. This I must look on as a most dangerous innovation: for when we begin to encroach upon or derogate from our own rights, no man can tell how far it may go: I do not know, but I may live to see the question put upon a gentleman's rising up to speak, whether he shall have leave to speak? And if ever such a question should be put, I shall not in the least doubt of its being carried in the negative, in case there should be a suspicion of the gentleman's intending to utter things disagreeable to those that may then have the direction of the majority of this House.

For this reason, Sir, I was extremely sorry when I saw the question put upon such a motion, and still more sorry when I saw that question carried in the negative; and if I were not fully convinced, the there were then several objections to the motion, which do not now subsist, I should take care not to lay a foundation for another precedent of the same nature. But as the most material objections are now removed, I believe, I may venture to move again for a Call of the House; and, as I am under great concern for the success of my motion, I shall beg leave to explain some of those objections which do not now subsist.

For this purpose, Sir, I must take notice, that if the last motion for a call had been complied with, the country gentlemen who have no place or office under the crown, and are therefore under no obligation, but that of conscience to attend the service of this House, unless we force them to it by a Call, would have found themselves under a necessity of keeping their Christmas in town, instead of keeping it in the country; and I must farther take notice, that according to my observation, every gentleman in this House that has, or is suspected of having a post, office, or pension from the crown, gave his negative

* From the London Magazine.

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to that motion. Now, I hope, they will give me leave to suppose, which very few others will do, that their giving this negative proceeded from the great regard they have for the poor people in the country. By the nature of their place or office, they are obliged to attend punctually the business of this House, and to reside, for the greatest part of the year, perhaps the greatest part of the seven years, in this great city. By this means the poor in the country are deprived of that hospitality, which they so generously, and so charitably keep, when an election, or some such occasion, calls upon them to visit their constituents; and in order to atone, as far as they could, for the loss the poor suffer by their absence, they were unwilling to draw away from the country any of those gentlemen who might, and were inclined to keep their Christmas there. But as Christmas is now over, this reason no longer subsists; therefore I now hope to have the concurrence of many of those gentlemen who voted against the last motion for a Call; and I wish for it the more ardently, because I expect no success unless I have the concurrence, or at least the connivance of some of them.

Another objection, Sir, that does not now subsist, is that which was removed the very last day of our meeting together in this House: I mean the motion for leave to bring in a Bill, for the better securing the freedom of parliaments, by limiting the number of officers to sit in the House of Commons. This Bill, if it should pass into a law, would certainly exclude many gentlemen who have now the honour of having seats in this House; at least it would render them incapable of being chosen members of a new parliament, unless they should resign the offices they now enjoy. I have so good an opinion of the officers and other placemen, who are now in this House, that every one of them would, I believe, give it his concurrence, notwithstanding the private disadvantage it would be to him, if he thought the passing of such a Bill absolutely necessary for the preservation of our constitution; but, I hope, they will pardon me if I think, that their private interest prevents their seeing the public necessity; for, in this, my opinion is confirmed, by their unanimously joining to put a negative upon the very motion for leave to bring in such a Bill. Now, when the last motion for a call was made, it was strongly suspected, nay, it was, I dare say, by most of them firmly believed, that there would be some such motion soon after the Christmas holy-days; and as most of the country gentlemen that were then absent, have, upon former occasions, appeared to be friends to every such proposition, it was the business of those that were against it, to prevent their being brought up to town, till after that motion was over, in order that the motion might appear to have as few friends in this House as possible, especially considering the vast majority of friends the Bill appears to have in every other part of the kingdom.

This, Sir, was, I believe, the most material objection against a call when the motion was last made, which I am the rather induced to believe, because I observed that most, if not every one of those that appeared against the call, appeared likewise against the motion for this bill; and in this I must allow they acted like good generals; for when a general expects to be attacked, it is certainly his business if possible, to prevent the enemy's being able to assemble all their forces together, especially when he can do it without dispersing or losing the assistance of any of his own troops. But as this attack is now over: As they can be afraid of no future attack in this session of parliament, I hope, they will allow us to have the authority of this House, for compelling the attendance of those members, who can by no other means be compelled to attend their duty in the execution of that trust which they have accepted from their country. Therefore I cannot think, that even the hon. gentleman near me, (Sir R. Walpole) will now be against a call, unless he be, on his part, meditating some new attack. To have the House called over once at least in a session, is in itself so reasonable, and has been so constantly practised, that I shall expect even his concurrence, unless he has something in petto, which he thinks will suit best with a thin assembly; and if, by giving his negative to this question, he declares he has, I hope it will have the same effect with a call: I hope it will bring every absent member to town, that has the least regard for the liberties of his country.

After having thus shewn, Sir, that those reasons, which induced many gentlemen to be against the last motion for a call, do not now subsist; if I knew any reason still subsisting against it, I would endeavour to state and answer it; but I cannot really suggest to myself the least shadow of a

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reason now subsisting against it, except that which I have mentioned, and which, in the opinion of most gentlemen present, will, I hope, be a prevailing argument in its favour. I say, Sir, I cannot suggest to myself the least shadow of a reason against what I am to propose; for surely gentlemen are not in earnest when they say, that, because many gentlemen absented themselves from the House last session, after being convinced that their presence could be of no service to their country, therefore no gentleman ought to be compelled, during this session, to give his attendance. This may be a foundation for some gentlemens' shewing us how great masters they are of wit and humour (as they did upon the last motion for a call) but it can never be a foundation for a serious argument. And I must observe, that however witty those gentlemen may be upon the secession, as they are pleased to call it, it had a very good effect. I am convinced, the gentlemen that retired from the House, did more service to their country by retiring, than they could have done by continuing in their seats. They saw they could not by their presence prevent or alter the destructive, pacific humour some gentlemen were then in; and therefore they resolved to try what they could do by their absence. Accordingly it had the desired effect: it made us resolve to vindicate our honour and our rights by arms, since we saw we could not do it by fair means; and if the war be but tolerably conducted, it will, with the assistance of Providence, contribute as much to the glory and advantage of this nation, as any war we were ever engaged in.

As this change of measures removed the cause which gentlemen had to absent themselves from the House, most of them have now returned, because, if we are really resolved to prosecute the war with vigour, their attendance here may be of some service to their country. Those who are now absent have no reason of a public nature for their absence; and I am for having the House called over, in order to see, whether any, and which of them, may have a good reason of a private nature; for surely they ought to be here, if they have no good reason of any kind for being absent. Not only the constant custom of parliament, but many cogent reasons of a particular nature at this time plead in favour of what I propose, and there is not the least shadow of reason against it; even those who have been for many years the constant and unvariable friends of the administration, can now have no objection to it; and, if a negative be put upon it, merely out of wantonness of power, it may again afford a good reason of a public nature, not only for those that are absent to continue so, but for many of those that are present, to retire a second time; for, when things are carried in this House without any reason, by what I must, in such a case, call an unreasonable majority, those who are governed by their reason have no business here, because their attendance can be of no service to their country, and may throw a blemish upon their characters: as the custom of this House does not allow of protesting, or entering our dissent upon the Journals, when destructive measures are pursued, and authorised or approved by this House, neither the present generation nor posterity can distinguish who were for or against that authority or approbation; and therefore, the only method gentlemen have for vindicating their characters, is to retire from an assembly where their presence may give countenance to resolutions which their negative cannot prevent, nor their conscience approve.

This sort of absence, Sir, is what even an administration ought to prevent, or put an end to as soon as possible, because it can never happen but when such questions are carried, as are condemned by a great majority of the nation. The present administration have wisely taken care to remove the cause of many gentlemens' absenting themselves from the House last session, by giving them, as well as the nation, the satisfaction they desired; and the best method they can take for preventing the like in time to come, is to put always a greater confidence in their arguments than in their numbers. I hope they will do so upon the present occasion, and therefore I shall beg leave to state some of those arguments in favour of my motion, which proceed from the critical situation our affairs are in at present. Let us consider, Sir, we are now engaged in a war, which is already expensive, and may become dangerous. We have it from a great authority, that in a multitude of counsellors there is safety; and as we, in this House, may assist his majesty not only with our purses, but also with our advice, therefore the more numerous and full our assembly is, the better advice we may give, the more weight, I am sure, it will have, both abroad and at home. The resolutions of a full House will add great weight to all

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his majesty's negociations abroad, and encourage foreign powers to enter into alliances with us. But a little while ago we were told by an hon. gentleman (Mr. Horace Walpole) whose veracity cannot be questioned, and whose knowledge may be depended on, that we had not one ally in the universe. In the present war we have, as yet, no occasion for an ally, we can have no occasion for an ally, unless our enemies should get some very powerful allies to assist them. The resolutions of a full House of Commons will shew the spirit of the nation, and may thereby very probably prevent our enemies getting any such assistance; or if they should, those resolutions may enable his majesty to form a confederacy upon the continent of Europe, which may give our present enemies and their future allies so much to do at land, as may disable them from giving us any opposition at sea, or in any part of the West Indies: whereas, if it be observed by foreign powers, as it certainly will, that there is but a small number of members in this House, and that the friends of the administration have, by a most extraordinary and unprecedented negative, prevented an increase of that number, they will either conclude, that the present war is not a national, but a ministerial war, which, I am sure, is far from being the case; or they will conclude, that our ministers have entered into the war, only to amuse the people, and that they have not a mind to prosecute it in such a manner as to give satisfaction to the nation; either of which conclusions will not only discourage those that incline to give us assistance, but encourage those that incline to give assistance to our enemies.

Thus it appears, Sir, that, with regard to our affairs abroad, it is absolutely necessary to have a full House; and with regard to our affairs at home, it is still more necessary. Let us consider, Sir, that in this war, and, indeed, in every war we can be engaged in, we ought to take all the methods we can think of, for giving satisfaction to those that contribute towards the expence of the war, and spirit to those that carry it on. The people will pay their taxes with pleasure, when they find they are granted by a full House; because they will suppose that no larger sums are granted, than are necessary; and that every shilling they pay, will be applied, with the greatest œconomy, to the public service. Then, with regard to those that are, or may be employed in any of our warlike operations, there is nothing gives greater spirit and confidence to those that fight either by sea or land, than their being convinced, that they are directed in every thing they undertake by wise councils, and commanded by brave and experienced officers. This both our soldiers and sailors will believe, when they find that all our measures are advised and controuled by a full House of Commons: they will suppose those ministers to be wise, vigilant, and careful, that are willing, upon all occasions, and in every step, to submit their conduct to the review of a full and free House of Parliament: this will inspire every soldier with a confidence of success, and this confidence will always be almost an infallible means to secure it.

On the other hand, Sir, if this House be not near full, especially if its being so be prevented by those that are the known friends of the administration, what must the consequence be? Does not every one know, that those who are in any post or employment under the crown, must attend upon the private call of the minister, but that those who are under no such influence, depend only upon the public call of the House? Does not every one know, that the former will be made use of whenever the minister thinks he has occasion for it: and will not every one suppose, that he prevents the latter, because he is afraid of having his conduct enquired into or directed, by a full and free representative of the nation? From hence every man must naturally conclude, that his conduct is either weak or wicked, or perhaps both; and this will of course raise an universal dissatisfaction among the people, and a general diffidence among our soldiers and sailors. This dissatisfaction may expose us to a real danger of being invaded, and this diffidence may render it impossible for us to prevent or oppose that invasion.

The present situation of our affairs, therefore, both at home and abroad, particularly require a full House; and besides this, Sir, we have now under our consideration some affairs of the utmost importance to this nation. We have already ordered a Bill to be brought in for registering seamen: what sort of one it may be, I do not as yet know; but it is an affair in which the liberties and well being of one of the most numerous and useful bodies of men in the kingdom are deeply concerned; and therefore, I am sure, it highly deserves to be considered in a full House. It is really, in my opinion, an

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affair of such consequence, that I should think the very rumour of our being to have such an affair soon before us, would render a call unnecessary. It certainly would do so, if gentlemen were properly touched with what may so sensibly affect the happiness and prosperity of their country; but the question that was before us the very last day we met here, convinces me, that nothing but a call can force some gentlemen to attend the service of their country in this assembly. In that question the preservation, the very being of our constitution was concerned, and yet there were not much above two thirds of our number present, which was, perhaps, the occasion of a negative's being put upon the question; for I must observe, that, of those who were for that negative, there were, at least, two thirds that possessed places or offices under the crown, and were consequently, from their private interest, engaged to have a negative put upon that question. I am far from saying, that any of them was governed by such a motive, because in all affairs of a public nature, I believe, they never have the least regard to their private interest; but, if it could be supposed, that any member of this House were governed by his private interest, it must be allowed, that such a member would never vote for excluding himself from having a seat or voice in this assembly, till after he had resigned the lucrative post or office he enjoyed under the crown.—This late experience, Sir, has convinced me, that nothing but a call can bring up the members that are now absent; and, as it has been the constant custom to call over the House, at least once in a session, as there are many strong reasons of a particular nature now for it, as there is not the least shadow of a reason against it, I hope it will be complied with; therefore, I shall conclude with moving, "That this House be called over upon the 21st of February next."

Sir *William Yonge*:*

Sir; I voted against the late motion, and I rise up to vote against this likewise. After the House had so fully shewn its disapprobation of a motion, I do not think it is very regular for the hon. gentleman to renew it in another form: the regular proceeding now is for the order of the day, but gentlemen seem resolved to amuse the House with motions, though they know very well before-hand, that they will be rejected, and rejected justly.

But, Sir, I would give my negative to this motion from a principle of conscience, though I had no reasons, as I have many, arising from the tendency of it. We all know, Sir, under what engagements the hon. gentleman, and his friends, laid themselves last session, to leave, and never more to enter this unpleasing assembly: and why, Sir, should we desire gentlemen to violate their resolutions, their private engagements, perhaps their consciences, by attending it again? This, Sir, would be barbarous, and utterly inconsistent with that liberty of which gentlemen are so fond and tenacious.

As for the hon. gentleman who made the motion, and his friends who have returned to the House, I think they are more inexcusable than the members still absent. For these, Sir, act consistently with their resolutions, but those who are returned without being invited, or at all expected, have acted contrary to their open declarations: they now desire, Sir, that the others should be obliged to attend likewise, in order to countenance their conduct; but I hope, for once, they will be disappointed. Not, Sir, that I am against the call of the House; I think a full House very desirable, but I am against gratifying the humour of those gentlemen who take pet, and run away, who are here to day, and away to-morrow: who come with a call, and are gone with a whistle. Therefore, Sir, if we agree to a motion of this kind, I hope it will be made by some member who has regularly attended his duty here, and not by those who not only absented themselves, but were instrumental in persuading others to that scandalous, unparliamentary step, the secession. It is true, Sir, these gentlemen now affect to discover some shame, and I can easily perceive that the hon. member who spoke last, has an alloy of it, notwithstanding his wit: the very motion itself, Sir, betrays them; but I am for their giving greater proofs of their repentance, before the House indulges them in motions of this kind.

It is not difficult to guess, Sir, what end is to be served by this care of having a full House, this solicitude for the honour and dignity of parliament; but, I believe, I may venture to foretel that these gentlemen will be disappointed in this view, as well as in the other points they have been

* From the Gentleman's Magazine. Omitted by Chandler.

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labouring for these twenty years; and if this should be the case, Sir, who knows but they may take pet again, and secede? Who can say, that upon the very first negative, they will not fill the country with clamourous addresses, and peevish complaints against those who continue to do their duty? But I think, Sir, we ought to prevent these designs by rejecting this motion.

As to what the hon. gentleman who spoke last advanced about placemen, I am not ashamed Sir, to own myself a placeman, and in that character to answer him. I have, Sir, since I had the honour to be concerned in public affairs, observed that placemen have behaved with warmer zeal for the interest of their country, with more duty to the person of their sovereign, and with greater regard to the dignity of parliament, than those who affect to be thought patriots, but want to be placemen. I never, Sir, find myself under any restraint from my place, that can hinder me from doing my duty as a member of this House. If a question come before it, that in my opinion might affect the liberties of my country, or endanger any part of the just rights which Englishmen enjoy, neither the fear of losing my place, nor the hopes of getting a better, should prevail with me not to oppose it. What I have said of myself, Sir, I believe may be said of all whom I know to possess places under the crown; and while I oppose this motion, Sir, I am not afraid to own, I oppose it both as a placeman, and a member of this House.

Mr. *Robert Tracey*;

Sir; I shall agree with the hon. gentleman who made you this motion, that the secession which happened last session of parliament, was the cause of our changing our measures; but I differ widely from him as to the manner in which that cause produced its effect. He seems to think, it had an effect upon the court of Great Britain, and was the immediate cause of our giving over to negociate, and beginning to fight with Spain; whereas, I think, it had not the least effect upon our court, but had an immediate effect upon the court of Spain, and was the only cause of that court's refusing to comply with any one thing that was stipulated by the Convention. I am persuaded, the Spanish minister here thought the secession of so extraordinary and dangerous a nature, that our ministers would submit to any usage from Spain, rather than declare war whilst the nation was in a condition so distracted and forlorn: Nay, I do not know but that he was confirmed in this opinion, by some amongst ourselves without doors; and an account of this secession, with his opinion upon it, being transmitted by him to the court of Spain, they gave entire credit to his accounts, and placed an implicit faith in his opinion, which was the cause of their obstinacy, and their obstinacy was the cause, and a most just cause too, for our court's altering its measures. Thus the secession was the cause, but not the immediate cause of our beginning hostilities against Spain. When that memorable event happened, we were in a course of negociation: Even Spain itself seemed inclined to do us justice; but that event put an end to their peaceable inclinations, and this of course put an end to ours.

From hence, I think, Sir, it is at least highly probable, that the war we are now engaged in, was chiefly owing to the secession; and when gentlemen consider this, however confident they may at any time think themselves of being in the right, notwithstanding the majority's being of a different opinion, I hope they will be cautious of ever leaving the House in a body, as many of them did at that time, because it can never be of any service, and may be of great prejudice to their country. The only precedent I can think of for such a method of proceeding is that which happened in the long parliament in king Charles 1st's reign; and the consequences that ensued at that time, cannot, I am sure, give encouragement to any man to follow the example. The misfortunes and the melancholy catastrophe of that reign, and the tyranny that was afterwards set up, ought to be a warning to gentlemen, not to desert the service of their country in this House, even though many things be agreed to by the majority, which they think inconsistent with the interest of their country. At least, they ought not to leave the House, unless their attendance here be absolutely inconsistent with the safety of their lives, which was the case of many members at that time.

But, Sir, when gentlemen retire voluntarily, and as it were in a pet, they can expect no excuse from their country, and, I am sure, they deserve no favour from those that continue in their duty. Suppose some of these pettish seceders should, in a little time, reason themselves out of their pet, and should return to their duty

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in this House, could they with any countenance desire, that the House should do them the favour to compel the attendance of their companions? If they did, ought it not to be supposed, that they did it for no other reason, but that their return might be as conspicuous as their secession? This, Sir, I take to be the very case at present: A number of gentlemen retired last session from the service of their country in this House, I must suppose in a pet, because I can assign no other reason: Many of them have this session returned, but some have not; and now those that have returned, desire the favour of us, to call the House over, in order to force the rest to return to their duty. I say, Sir, they desire the favour; for a call is a favour granted by the House to those that desire it. It is not a right that every member may insist on. Every member has a right to move for it: but a question is always to be put upon that motion, and it is never complied with unless agreed to by the majority. A call is therefore very different from the right every member has to be heard; for when a member rises up to speak, I believe it was never yet put to question whether or no he should have leave to speak.

The motion now before us is therefore a favour, which the hon. gentleman, that made it, desires of us, and every gentleman has a right to consider whether it ought to be granted, and to refuse it, if he thinks it unreasonable. I am one of those that think it unreasonable, and shall therefore be against granting it. We gave those that are returned leisure to cool of the pettish humour they had fallen into last session; I think it was right to do so, and with regard to most of them, it has had a proper effect: If there are any of them that are not as yet grown cool, and therefore continue in the country, I am for leaving them still there. The country, we know, is a proper place for reflection and consideration; and no cure is so good for a pettish humour as cool reasoning and mature deliberation. If we should force them out of their country retirement, they will, probably, oppose every thing we do; and it is not so much the numbers, as the unanimity of those that are here, that gives credit to the nation, or weight to his majesty's negociations at foreign courts. Even at home, the divisions among the people without doors, are generally owing to the divisions among those within; and when the divisions among those within appear to be near equal, they often occasion what approaches very near to sedition, among those that are without. We seem now to be pretty unanimous, at least with regard to our foreign affairs. Even those who have this session returned to their seats in this House, seem willing to agree to every thing that may contribute to a vigorous prosecution of the war; and no wonder they should be so; for they cannot well refuse to contribute all in their power to the vigorous prosecution of that war, which they themselves were, as I have shewn, the remote authors of. This unanimity will shew our enemies what they are to expect; and, by destroying their hopes of being able to hurt us, or defend themselves, will of course render them inclinable to agree to reasonable terms, which must necessarily bring the war to a happy and speedy issue; therefore, we ought to do nothing that may, in the least, interrupt that unanimity which now so happily prevails amongst us.

Besides, Sir, the hon. gentleman who made you this motion, has himself, I think, given you a very good reason for not agreeing to it. In giving a reason for the secession last year, he told us, that gentlemen may sometimes, for the sake of conscience, and for preserving their characters, be obliged to leave the House: He even seemed to intimate, that this was the cause of gentlemens' leaving the House last session: Now, if some of those gentlemen have got over this scruple of conscience, how do they know that all the rest have? We must naturally, or at least charitably I think, suppose, that those who have not returned, have not as yet got over this scruple of conscience; and as I shall always be against putting any sort of force upon a scrupulous and tender conscience, I must be against compelling the attendance of such gentlemen in this House. I am far from finding fault with any of those gentlemen that have returned: I think they have done their duty in doing so; but I cannot help comparing them to the present king of Spain. He, some years ago, resigned his crown, out of a pet, and, I think, it was a religious or conscientious pet too. I wish they had held him at his word and never allowed him to resume, as they might and ought to have done; for his second son, now prince of Asturias, was the natural successor to his eldest, who died king of Spain. But they allowed him to resume his crown; and we know what disturbances he has

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since bred in Europe. If the gentlemen who left their seats last session, had been taken at their word: if we had ordered their seats to be filled up by new elections, they could have complained of no injustice. But we have this session allowed such of them as have returned, to resume their seats. In this we have shewn ourselves to be as indulgent as the subjects of the king of Spain; and, I hope, they will take care not to make such an use of the indulgence they have met with, as his Catholic majesty has done. They have hitherto shewn, that they do not incline to do so; but, if we should call in those that, for ought we know, are still in a bad humour, I do not know what might happen. Evil company, they say, corrupts good manners. It is a dangerous experiment to mingle the infected with those that are but just recovered. For this reason, I was against the call, when it was last proposed: and as this reason still subsists, I am still against it.

There was no true reason, Sir, for being against the call, when it was last proposed, but what still subsists in its full force. Every one must be sensible, that the hon. gentleman was not serious in the reasons he assigned, and which, he said, are not now subsisting. However merry he may make himself upon this occasion, and we are sensible of his superior talent in that way, I shall always think, that gentlemen are more usefully employed in entertaining their neighbours in the country, than in opposing every necessary measure of government in this House; and therefore, I shall always be against compelling any man to come here, who, by his former conduct, has given me reason to suspect, that, when he is here, he will certainly do so again. As for the question that was before us the last time of our meeting here, which was but the day before yesterday, I shall never be afraid of its being considered in a House full of members, that are free from the prejudices of passion and interest. The reasons against the question are so many and so powerful, and the reasons for it so few and so weak, that, in such a House, I do not in the least doubt of its meeting always with the same fate, and that the more full the House is, the greater the majority will be that appears against it.

This therefore could be no reason, Sir, for any gentleman's being against a call, the last time it was moved. With me, I am sure, it would rather have been a reason for my being for a call; because, though some of those that are absent would perhaps have voted in favour of that question, I am convinced many more of them would have voted against it. My chief reason for being then against a call, was, as I have said, because I was against our doing any thing that might interrupt or lessen that unanimity in this House, which, with pleasure, I observe, in every thing that relates to a vigorous prosecution of the war; and as this reason against a call is now as strong as it was at that time, I must therefore be against agreeing to the hon. gentleman's motion.

Mr. *Thompson*:*

Sir; the hon. gentleman who made the motion knows that I have received many chastisements from his superior wit, and therefore I am surprized that he should imagine I would presume to play off any of mine against him. It is not wit but reason, that I would employ on this occasion. I have one reason, besides those mentioned by the hon. gentlemen who have spoken against the motion, for opposing it; which is, that it would at this juncture alarm the nation. We all know, Sir, when any favourite schemes are set on foot by the gentlemen who are pleased to denominate themselves patriots, how many tools are employed, in order to spirit up the people to insult the parliament and the government, and alarm the public creditors, though perhaps the mighty mountain may at last be delivered of a mouse. Should we, Sir, in the temper the people are in at present, agree to the hon. gentleman's motion, they would imagine that some mighty event was expected, and there would not be wanting many to buz about, that all was endangered, and therefore the patriots had moved for a call of the House. This could not fail, Sir, of producing swarms of instructions and libels, and might perhaps revive those animosities which the care and lenity of the government have now laid asleep. Therefore I hope you will treat this motion just as you did the last.

Mr. *Lyttelton*:

Sir; this debate has proceeded as I expected. Gentlemen, when they have not a shadow of reason to oppose against the motion (for to compliment the arguments

* The remainder of this Debate is taken from the Gentleman's Magazine.

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that have been brought against it, as having the shadow of reason, would be the last degree of weakness) have recourse to a subject on which the full freedom of debate cannot be exerted. To say, Sir, all that can be said for the secession, as it is called, may be dangerous; to say what we dare say, insufficient. It is improper to introduce that subject into our debates. But however some men may affect to triumph, however they may gratify their pride by insults, and display their imaginations by ridicule; that the small remains of our commerce are yet preserved, and the most valuable rights of Great Britain not yet tamely resigned to the Spaniards, the nation, I believe, owes to the secession.

I hinted before, Sir, that I do not defend the secession with all the arguments it will admit of; but I will give the House a very plain simile, which may serve faintly to represent the opinion of the public with regard to that step. The nation, Sir, may be compared to a diseased body, and we very properly be called its physicians. Some gentlemen, after repeated, but fruitless, endeavours to recover the patient, finding the symptoms growing daily worse, despaired of being able to conquer the disease, and unwilling to disgrace themselves and their profession, honestly withdrew, while others greedy of fees waited on from day to day, from hour to hour, and had they still got their fees, they would have still waited though upon a dead carcase. In the mean time, the goodness of the patient's constitution, not the remedies prescribed by the mercenary physicians who remained, overcame the disease, more favourable symptoms appeared, and there seemed to be a possibility of an entire recovery. Upon which the physicians who had retired, and who valued the health of the patient beyond their own, were encouraged to return and offer their services. This proves that they acted from no animosity, from no partial pique, from no personal disaffection, but upon just and rational principles. When they found that they could not effect the cure, they left nature to do it; and a good constitution, Sir, will recover sometimes miraculously.

I will not pretend to illustrate this comparison by any particular deduction of facts, but I believe the propriety of it is pretty obvious to every body who reflects upon the condition of this nation at the time of the secession. Better symptoms Sir, appear now upon the body politic, and the hon. gentleman's motion tends to summon all the national physicians, that their consultations for her perfect recovery may be as numerous, and their resolutions as well weighed, as it is possible. Therefore, Sir, I hope the House will not destroy the hopes which the patient may have of a recovery by rejecting this motion.

Sir *John Hynde Cotton*,*

Sir; I believe the oldest member here does not remember a debate of this kind. So strong an opposition to so reasonable a motion gives me but a melancholy prospect of the success of any effort to be made this session, for retrieving that honour and that independency which have so long been neglected and sacrificed. The hon. gentleman was very merry upon what he calls the secession: he talked of gentlemen's resolutions, private engagements, and perhaps conscientious scruples which hindered them from attending their duty here; as if, when they retired from serving the public, there were an engagement amongst them not to return. Sir, I know of no such engagement, I know only of a resolution taken by some gentlemen to give the public some information, that what was transacting here they could by no means approve of, and therefore retired to their country seats, where, I believe, they have since lived as quietly and as inoffensively as any subjects his majesty has. The cause for which they retired is now removed, therefore the effect of that cause ought to cease. But, Sir, I believe this motion will not affect those gentlemen; most, if not all, of them are returned, and are ready to do their country all the service they can. This motion, Sir, is made to bring up those members of the House whom their love of retirement, their indifference about public business, or perhaps their despair of being able to do any good here, detain in the country. Gentlemen by rejecting this motion say nothing else in effect but this; 'We are afraid of the resentment of an injured nation, we are afraid of the consequences of our conduct, should we be out-numbered in a full House, and that majority on which we depend, and in confidence of which we have acted for these twenty years past in defiance of the nation, fall away.' I hope, Sir, to see such

* Omitted by Chandler.

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opposition as this entirely suppressed; to see this House filled with men who both can and dare give honest advice to their royal master. I hope, Sir, we shall be emancipated from that influence which has so long directed every vote, every deliberation of this House, and made the will of one man the determination of parliament.

Mr. *Horatio Walpole*:

Sir; I think it unreasonable that gentlemen, who are always so merry upon every man who differs from them, should be so much irritated when any one presumes to use the same liberty with them. To roast a minister, or a placeman, is their common diversion; but once smile at a patriot, they are instantly in arms; such a breach of decency and good-breeding calls for the loudest outcries, and severest resentment.

I do not, however, rise up to be merry with the gentlemen, for I would not insult the miserable, or ridicule what deserves pity. That, after all the efforts and harangues they have made, all the papers and pamphlets they have written, they have met with nothing but the disapprobation of the public, and the contempt and neglect of this House, is, no doubt, a very sensible mortification to men who expected that the nation would take a universal alarm at seeing so many worthy, so many disinterested patriots leave the House, and throw up all farther concern with the business of the public.

The hon. gentleman, Sir, who spoke last but one, made a very doleful, though, I think, a very proper comparison. He said, this nation was a diseased body, and his party were the physicians: that finding the patient was past recovery, they very prudently withdrew; but that after they were gone better symptoms appeared, and therefore they returned: I cannot but mention on this occasion a scene of the French comic poet: a sick man, who had been long under the hands of the physicians, growing every day worse and worse, at last the physicians were all turned off. In a day or two a friend comes to enquire after him, expecting to find him, if not dead, at the last extremity. How does your master do? says he, to the maid. Much better, answered she. Better, replies he, how can that be? Because, says the maid, his physicians have left him. Now, Sir, while our physicians were with us last session, we had indeed many ugly symptoms; but as soon as our physicians left us, we began to recover. No gentleman in the House can, I believe, in the British history, or in all his reading, point out a session where so many popular, so many salutary laws were made, as we passed in the last session, after our physicians had left us. And indeed, Sir, if we begin to relapse into the same symptoms, I shall wish them to leave us again.

The hon. gentleman, Sir, who spoke last, mentioned the secession as a quiet retirement of our members into the country. If members have a right to throw up the business of this House, and retire whenever they please into the country, what right have we to compel them to stay? And therefore, Sir, though we should agree to this motion, it is a great doubt, according to the hon. gentleman's principles, whether we could oblige them to attend; but it is certain that, though they should think fit to attend, we have no right to compel them to stay. Before the late secession, indeed, it was always thought that members could not regularly retire from the service of their country without leave from the chair. But these gentlemen have favoured us with new light; we find, Sir, they may retire and stay in the country, when, and in what manner they please. The same hon. gentleman says, likewise, that he hoped to see things otherwise. Sir, I hope never to hope for these things the hon. gentleman hopes for. I hope never to see what he hopes to see. I hope, Sir, to see the present majority, instead of falling away, increase, and be able to despise and baffle every attempt to throw us into confusion.

Lord Viscount *Gage*:

Sir; an hon. gentleman that spoke some time ago against the motion, allowed, I think, that the secession, as he was pleased to term it, was the remote, though not the immediate cause of that alteration which soon after happened in our measures. Sir, if it was any cause, whether remote or immediate, it has done signal service, and has given great satisfaction to the nation. But the secession could add nothing to the obstinacy of the court of Spain; because that court was, before, as obstinate as it was possible for them to be. They never had any inclination, at least not for these twenty years, to do us justice. By the Convention, they neither did us, nor promised us any justice: they would not so much as promise, not to do us any more

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injustice; for, upon the face of the Convention it appears, that they would not so much as promise to abstain from interrupting our navigation, and seizing our ships in the American seas. It is evident, that, of late years, they never had an inclination to have any thing to do with us, unless it was to plunder our merchants, and amuse our ministers with fruitless negociations; and a new foundation for allowing ourselves to be treated in this manner, was all our ministers got by that famous Convention. This, I am convinced, would have been the consequence, if it had not been for the secession. Our ministers would, upon the foundation of that Convention, have gone on to treat and negociate with Spain, perhaps for twenty years more, and the Spanish guarda costas would, in the mean time, have gone on in plundering our merchants and interrupting our trade. But such a number of members withdrawing, upon that Convention's being approved of, convinced our ministers, that the nation would no longer endure to be treated by the court of Spain in such a treacherous and ignominious manner. Our ministers from thence saw, that they must begin to fight, either with Spain, or with their own countrymen; and they wisely chose the former, as being the safest for themselves, as well as the most honourable.

This, Sir, I am convinced, the whole nation is convinced, was the real cause of that alteration in our measures, which happened soon after the secession; and therefore, however much it was condemned by those that remained within doors, it was condemned by no man without, unless he was such a one as was under a mercenary dependence upon some of those that remained within. By none others, Sir, was it ever condemned; and as the gentlemen who withdrew upon that occasion, are no way ambitious of having their conduct approved of by such judges, I am sure no one of them has ever yet repented of what he did; so that if the hon. gentleman that spoke last never forgives but upon repentance, those gentlemen must all yet, and, I believe, for ever will, remain under his wrath; but they are not, thank God! liable to his vengeance.

The only serious argument I have heard, Sir, against the motion is, lest it should interrupt or lessen that unanimity which now appears, in providing for every thing that may be necessary for a vigorous prosecution of the war, in which, I am fully satisfied, the hon. gentleman's fears are altogether groundless. I dare answer for every one of those who retired from the House last session, and are now absent, that no one of them will oppose any measures necessary for prosecuting the war; and an honourable friend of his may, I believe, if he pleases, answer for most of the rest. I am persuaded, that no gentleman who is now in the House, or can hereafter be in it, will openly oppose providing for a vigorous prosecution of the war; and therefore I shall only wish, that it may be as vigorously prosecuted, as it will be unanimously provided for.

In this session of parliament, therefore, Sir, no gentleman could be under any real apprehensions of a contest about any thing relating to the war, though every member belonging to the House were now present, and continued so till the end of the session; but, as the whole nation will expect to hear some good accounts of the prosecution before next winter, I do not know but that we may then have some contests about the war, with regard to its prosecution; and therefore there may, perhaps, be some amongst us, who are far from wishing to see a full House, at any time, during next session. If there be any such amongst us, it is certainly their business to prevent the call of the House for this session, because it will be a precedent for doing the same in the next, and will be, in all future times, a convenient and agreeable precedent for those that are afraid of having an impartial parliamentary enquiry into their conduct. But, for this very reason, Sir, I must be of opinion, that no gentleman who is unfeignedly for a vigorous prosecution of the war, or the preservation of our constitution, can, when he seriously considers the consequences, be for making such a dangerous precedent.

Thus, I hope, Sir, I have fully answered the only serious argument I have heard made use of, against my worthy friend's motion. As for all the other arguments made use of upon the same side of the question, they were rather pieces of wit, than pieces of reason; and, as most of them were pointed at the gentlemen who, last session, withdrew from the House, they have nothing to do with any thing that can be proposed in this. But, I must observe, that every one of them either missed of its aim, or was very improperly applied. If the king of Spain resigned his crown with a real view of serving his country he was in the right: If he resumed it again with the same view, he was in the

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right, and his subjects were in the right to receive him: And as for the disturbances he has since occasioned, I believe most of them were originally owing to our misconduct; therefore, I am surprised to hear of them from that side of the House. If those who compose the majority of this House, have a mind to prevent gentlemen's ever having a view of serving their country, by leaving their seats, the best way is never to pursue such measures as are disagreeable to a great majority of the nation; and while they take care to avoid such measures, they need fear no disturbances that any gentleman can occasion, either by leaving or resuming his seat in this House.

As for the piece of French wit made use of by the hon. gentleman that spoke last, and applied by way of answer to the observation made by the hon. gentleman that spoke before him, surely, Sir, every one must see that it was misapplied to the members of this House, for the gentleman that made it, did not, I think, make any application. We must all look upon ourselves as political physicians; and, indeed we are so; We are properly the state physicians of our country, because we are to enquire into its grievances or distempers, and apply the proper remedies. Therefore, if that observation is to be applied to us, we must suppose that some of us are willing to attend, if we can but get a fee, even though we know we can be of no service to our country, and that others are unwilling to attend, except when they think they can be of real service to their country. I wish, Sir, the application had not been made, for whatever we may think within doors, those without will judge who are over-greedy of fees, and who are not. But, I must observe, that this piece of French wit proceeded from the contempt the French physicians had then brought themselves into by their ignorance, and by their shewing a greater concern for their fees, than for the health or recovery of the patient. They were, at that time, become a proverb among the vulgar, and a subject of ridicule in every part of that kingdom, except in their own assemblies; and, if we should by our ignorance, bring our country into misfortunes, or begin to shew a greater concern for pensions and places than for the welfare of our country, we shall bring ourselves into the same contempt: we shall become a scoff among the vulgar, and a subject of ridicule in every part of this kingdom, except in our own assemblies. If this should ever come to be the case, this French piece of wit may then be properly applied, but not to those members that retire from such a contemptible assembly. It will be applied to the breaking up and meeting of parliament: when our session is at an end, it will be said, the kingdom is in a fair way of doing well, for its physicians have taken their leave; and when we meet again, it will be said, the kingdom is in a dangerous state, for its physicians are, most of them, returned. I hope every gentleman that has a regard for the honour and dignity of parliament, will endeavour to prevent this misfortune; and as, I think, nothing can contribute more towards our falling into a general contempt than our putting a negative upon this motion, therefore, I shall most heartily give it my affirmative.

The motion was accordingly agreed to.

*Debate in the Commons on the Navy Estimates.**] February 1. On a Motion for the House to resolve into a Committee on the Navy Estimates,

Lord *Baltimore*, after having dwelt for some time upon the explanation of the Ordinary of the Navy, and showed the nature and meaning of the several articles, proceeded in the following manner: Sir; I have dwelt thus long upon these articles, not from vanity or ostentation of greater knowledge and sagacity than other gentlemen are possessed of, but from a conviction of the usefulness of the subject, and the necessity of making it more generally studied and understood. Gentlemen have hitherto continued strangers to it, not that it requires any intense application or exalted abilities, but because the circumstances of their lives, and situation of their affairs, have afforded them no opportunity of conversing with seamen, or obtaining any information of maritime affairs; and perhaps, as in every other profession, the folly of some who could not, and the artifices of others who would not explain them, have raised a mist before this easy part of knowledge, and made what is plain and obvious in itself, appear difficult, intricate, and unattainable, without long personal practice and experience. But this ignorance, Sir, however excusable, has had very dangerous consequences, it has given the commissioners and officers of the navy an authority with-

* From the Gentleman's Magazine. Omitted by Chandler.

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out limits, it has given them a power which majesty itself has always been denied, of disposing of the public money without a reason for their demands, and without an account of their expences. Gentlemen have been ashamed to deny the supplies which were required as necessary, without assigning a reason for their refusal, and have been afraid of attempting to reason upon a subject which they had not studied, and which they might think impossible for them to study with success. If I have contributed to dissipate this artificial cloud, if I have shown that this, like almost every other part of public business, is clear and easy in its own nature, and obscure only by false representations, I have done at least some service to my country.—But it is time, Sir, that, having explained the articles, I should say something of the expence of each, as it is here computed, for, to what other purpose are these Estimates laid before us? An Estimate admitted without examination, is to us, and to the nation, nothing else than a general demand complied with upon the mere credit of those that make it. The Estimate of the Navy is, according to this computation, lower indeed than that which was laid before us the last session, and this diminution, I suppose, is imagined sufficient to satisfy us, as it is presumed that we shall be too much pleased with seeing any demand upon the nation growing less, to enquire minutely whether it be lessened in proportion to the expence which it proposes to defray. For minute examinations, there is, indeed, no occasion. Should the number of ships now in commission be compared with the list of last year, it will be found, at the first inspection, that the computation is not in the same proportion with the last, so that profusion is brought in upon us under the disguise of frugality. The whole sum then demanded was but 310,000*l.*, and the late considerable diminution in the number of our ships in port, has not sunk the estimate lower than to 240,000*l.*—Every article, Sir, cannot be insisted upon without an improper and unnecessary expence of time, or without fatiguing unseasonably the attention of the House; but one particular I cannot pass over without some reflection, as I cannot look upon it without some degree of indignation. The expence of moorage, which was for the last year computed only at 21,000*l.* is here estimated at no less than 19,000*l.* though a few ships remain in the harbours; an immense disproportion, which cannot be imputed to ignorance, or even to negligence, but to a full confidence of blind compliance.—But for what end do we sit here? Is it to give a sanction to the wildest calculations, and grant supplies without asking how they are made use of? When schemes like these are laid before us, when sums are set down at hazard, and demands made by caprice, it is at least proper to examine them, and if they cannot admit a better vindication than I believe this will be able to find, it is our duty to reject them; whether by rejecting them we do all our duty, let the example of former parliaments determine.

Sir *Charles Wager:*

Sir; I must confess myself unable to discover in the estimate now lying before us, any reason for so loud a complaint, or so severe reflections, as it is always to be remembered that these estimates are not infallible or scrupulously exact, they are not accounts of past, but computations of future expences, in which some allowance is made for contingencies, and occasions of expence not regularly provided for, or always foreseen; and it is generally thought sufficient, if there appear no such enormity in the calculation as evidently discovers an intention to defraud, which I am certain cannot be found here. The disproportion between the last and the present estimate, will not be found so great as it may appear, at first, to gentlemen not skilled in naval affairs; when the difference between the bulk of the ships now remaining on the ordinary, with those for which the estimate was made in the last session is considered. Few of the largest ships are in commission, or employed in the present war, which requires ships rather for pursuit than battle, and therefore though the number of ships be less, we are not to expect the charge to be less in proportion; unless it can be supposed that a large ship is not more expensive than a small one. It is objected, with much appearance of strength, that the article of moorage is beyond all proportion to the number of ships now in the harbour; but it is forgotten that cables and chains, lying in the water, suffer almost equal decay, and demand to be equally repaired as well without ships fastened thereto as with them, and the same repairs exact the same expence.—In defence of the general computation it may be further answered, that new vessels are always to be

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built, and old ones continually to be refitted, that neither can be done without workmen, and workmen will not labour without pay.

Mr. *Sandys:*

Sir; I have listened with my utmost attention to the hon. gentleman that has just spoken, whose experience in naval armaments and expences entitles him to be heard on such questions as this, with every degree of respect that may not border upon a blind submission, and am not without great uneasiness to find, that he has urged nothing in defence of this estimate, that may not be said for any demand that profusion or wantonness shall make upon the nation. Every calculation, how fraudulent soever, when made for future expences, will admit of some general defence; there will always be some distant possibility that all the sums demanded may be necessary, and that possibility may be represented as more or less probable, according to the inclinations of the objecters and defenders. It may always be said, where exactness is not attainable, that a computation is made according to the real opinion of the calculators, or that no more is asked than they believe they shall be able to find means of spending. But the public will not be satisfied with such accounts as these, they will not willingly, and ought not patiently, to be burthened with taxes, to guard against remote contingencies, and defray conjectural expences.—A nearer view of these affairs is necessary, that these expences may be more exactly settled; nor will a nearer view be denied us, if those who manage the navy apprehend no danger from it. If therefore they would give a proof, that their innocence leaves nothing to be feared from a regular enquiry, let them descend from general terms, and enable us country gentlemen, by a clear explication, to judge for ourselves and our constituents, and agree from conviction and knowledge to that, which we have hitherto blindly complied with.

Lord *Polwarth:*

Sir; I am so far from being satisfied with this estimate, that the longer I consider it the more reasons I find to disapprove it; every new enquiry produces new grounds for suspicion, and every article that falls under my examination confirms me, that nothing can be more fallaciously drawn up than this calculation. I have examined the papers on the table, and find them all concurring to convince us, that it is time to be no longer tamely complying, or tacitly doubtful. One compliance produces confident expectations of another, and fraud at length becomes daring and open. Our ignorance of naval business has, indeed, long exposed us to the mercy of those to whose care the management of our fleets is intrusted: but they seem now to presume too far upon our weakness, and to grow sufficiently exorbitant in their demands to awaken us to vigilance, and provoke us to enquiries. For more than fifty years past, Sir, this article of public charge has been continually encreasing, and additions have every year been silently made to it; and with whatever reason, or from whatever influence, for the greatest part silently allowed. I am unwilling to reflect either on the living or the dead, perhaps it might not appear in a time of peace so necessary to enquire, particularly, into the application of every sum granted by parliament. But that time of negligence and plenty is now past; we are engaged in a war which may demand all our force and all our treasure, all our vigilance and all our frugality: for, by frugality alone, Sir, can war be supported, by frugality alone can we conquer without suffering by our victories, and without purchasing glory and influence at too dear a rate.—But, instead of œconomy and parsimony, new pretences for expence are daily invented, new salaries paid, and new offices erected. That it was not uncommon for other parliaments to vote down superfluous offices, is well known, and perhaps the new office of clerk of the journals, with a salary of 200*l.* may be reckoned in that number.—If any gentleman shall think these articles of too little importance for a parliamentary enquiry, or the sums too small to become the care of the public, I shall freely confess that I differ from his opinion: the same duty to my country that shall direct my conduct in greater affairs, shall make me honest in less. If we suffer any thing to pass unexamined under the appellation of a trifle, we may in time, perhaps, be taught to treat as trifles, questions of higher importance, and reckon among other trifles, the ruin of our country.

Mr. *Clutterbuck:*

Sir; those who are unacquainted with the business of the admiralty, may, from a superficial view, easily be inclined to judge

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those officers superfluous, which nearer experience has shewn not only to be advantageous but necessary, of which the clerk of the journals will, I believe, appear to be one. That I did myself project and advise this office, I am far from denying or desiring to conceal, as I am confident it has prevented a great number of fraudulent practices in captains of ships, which were punished, indeed, whenever they were detected, but which were generally continued with impunity, because, till the erection of this office, it was no man's business to detect them. No captain can now receive his pay, till it has appeared by his journal, that he has followed his instructions, and deserved the wages of the public. Such is the benefit arising from this office, an office of which, if it shall appear useless, I shall be very forward to vote the abolition.

Sir *George Oxenden:*

Sir; a debate unconfined to any particular article, and carried on in general terms, may be continued a long time without conviction on one side, or confutation on the other. We have been either accidentally, or by design, diverted from the article of moorage, to which I beg the liberty of recalling the attention of the House; and instead of farther controversy, shall offer an open and ingenuous proposal, that if any gentleman will say that 19,000*l.* can be expended in moorage, I will agree to the other articles without further examination, after having received such unexpected satisfaction with regard to this.

Mr. *Corbet:*

Sir; this demand, which carries such a fair appearance of confidence, pacific intentions, and inclination to admit any reasonable satisfaction, is perhaps intended only to lengthen the debate, and make the estimate which is before us more liable to censure. That 19,000*l.* is expended in moorage no gentleman will be found to assert, because moorage has, in all estimates of this kind, been made use of as a general head, or term of extended signification, including not only the particular expence of fixing the ships in the harbour, but the charge of surveying the state of this article, in all parts of the kingdom.—With respect, Sir, to the hon. gentleman's observation, that some officers of the admiralty have been voted useless, I do not perceive the consequence which he seems to draw from it,—that no new one is necessary. Surely there may be superfluities in one part, and deficiencies in another. Even those particular votes have sometimes been the effects rather of passion than knowledge, of private prejudice, or personal provocations, than of calm and settled determinations; and therefore, Sir, the same offices have been sometimes revived, though, out of respect to parliament, under different names. Thus the office of solicitor to the admiralty was voted useless, because the man who served it under that name, made it a practice to bring in bills for the business he had done, sometimes to the amount of 15,000*l.* in a year; demands so exorbitant, that they were justly censured by the House; and the officer was not only dismissed, but the office itself doomed to abolition. But it was not long before the service of a lawyer appeared absolutely necessary to the board of admiralty, for the preservation of their privileges, and the prosecution of delinquents; and therefore a counsel to the admiralty is now employed, who for a salary of 400*l.* a year transacts their affairs without making any bills, or receiving any more than his settled allowance.—That corruption may find its way into any administration cannot be denied; but if the affairs of the navy suffer by any frauds or artifices, it must be allowed not to happen for want of caution; for all the business and expence of the navy has been, of late, so exactly and ingeniously regulated, that no officer can fail in his duty without being detected by the accounts of another. Yet this œconomy, exact as it is, cannot produce any certainty in general calculations, which I cannot, without wonder, hear so nicely examined. It requires no long reflection to perceive, that nobody can gain any thing by a low or high computation. If the moorage, computed at 19,000*l.* should amount to 24,000*l.* must it not be defrayed? And if it should fall below 15,000*l.* will not the remaining part be so much laid up for the expences of the next year? If we could regulate our expence by our calculation, I should be zealous for reducing it; but so it is, that our calculations, how deliberately soever made, must yield to our necessities: in providing, therefore, according to a higher estimate, nothing will be lost, nor by a lower, will any thing be saved.

Lord *Polwarth:*

Sir; I have still, notwithstanding these

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apologies, objections to almost every article of the estimate. I am still more convinced, as the debate proceeds, that it is necessary to refer it to a secret committee; in which we may at leisure hear an explication of many things, either naturally obscure or industriously concealed. The whole calculation, as it now lies before us, is to me a heap of confusion, an unintelligible collection of articles comprising other articles unmentioned, as the hon. gent. himself confesses: such intricacies as these will for ever elude a superficial enquiry; should it be proved by all the evidence of testimony and demonstration of arithmetic, that an article is overcharged, it may be very readily replied, that the articles included in it swallow up up the remainder; so when the multiplicity of offices in the navy shall produce any censure or objections, nothing can be more easy than in general terms to assert, with an air of confidence, their use and necessity. But the public has now learned to distrust such easy vindications, and to expect other proofs of the reasonableness of the immense expences supported by the nation.—If the money demanded is frugally and honestly managed, if the officers employed in the naval operations are really necessary, that necessity will appear to the committee; and by being shewn to the nation will produce confidence in the government, cheerfulness under the present load of taxes, and alacrity in the prosecution of the present war. That the present number of officers is too high I do not pretend to assert, having already confessed my ignorance of these affairs; perhaps more officers may be proper; nor will it less become the committee to erect a necessary, than to destroy a superfluous office. It cannot, however, be improper to observe, that since the act which prohibits the erection of new offices was passed, the commissioners of the admiralty have been multiplied from five to seven; and the office, even of the hon. gentleman that spoke last, has been erected since the regulation of the navy, which he so much extols. Even among those officers, whose long establishment may induce us to believe them, not wholly without their use, some corruptions may perhaps be discovered, which it may be proper to reform, before they become by long custom, part of their privileges. The practices of meeting at a coffee-house, instead of their office, lately introduced among the commissioners for victualling, doubtless for the sake of being victualled themselves, may in time, if not animadverted upon, plead prescription, and become a new article of a national charge. I therefore move that the Estimate for the Navy be referred to a seeret committee.

Sir *George Yonge:*

Sir; nothing appears to me more inconsistent with the duty of a member of this House, than to waste the time, allotted to the dispatch of public affairs, in useless questions and insignificant debates; that little can be objected to a motion, is not always a reason for admitting it; for if no more can be alledged for it, the necessity of sparing time is of itself a very strong argument for rejecting it. The present motion I think of this kind, the public cannot indeed suffer by an examination of the estimate in a secret committee, otherwise than by the loss of that time, which might have been much more usefully spent in other enquiries; but then, what benefit can be expected from it, equal even to that consideration? If I may be allowed to judge what will be the result of the enquiries made by the committee, from the report that was produced by the last examination of that kind, we shall only do, after altercations and delays, what is now desired, and what it will be more candid and advantageous to do without them.—The last committee, before whom the like computation was brought, made no discoveries of false accounts, nor produced new schemes, by which the navy might be kept up at less expence; questions were asked and resolved, objections were raised and immediately removed, and such doubtless will be the effect of another enquiry.—Nor do I see what can be done in a committee, which cannot be done now; the articles are all before us, and if any gentleman has objections to them, let him set them in the strongest light; how easily they will be answered we may conjecture by the success of that which was made to the article of moorage. The hon. gent. who spoke the second on this question, has unanswerably refuted it, by shewing that a greater number of small ships may be moored and kept in the harbour, at less expence than a less number of larger, which require, even when out of commission, many hands to do the necessary business on board them.—They complain, indeed, that they do not understand the estimate, and that many articles require explanation; but experience teaches us, that no ex-

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planation will be satisfactory to the prejudiced. There are men who judge of transactions by the persons that manage them, and who will never approve an estimate, till they are reconciled to the calculator. Such men are always warm in their desires of seeing the offices filled with proper persons, but are always determined to think none proper but such as themselves shall recommend. I cannot therefore but confess, that to me, this motion appears unseasonable and unnecessary, and that as a committee for this purpose alone, will spend time to no advantage at an important juncture, this estimate may, in my opinion, be more properly referred to the committee of supply, where every gentleman may do what is proposed by the present motion, where enquiries may be made without interruption, and every one may object, answer, or reply, without restraint.

Mr. *Pulteney:*

Sir: in every debate, whether in this or any other place, the first regard is due to truth; but very often when that has been overborne by interest or prejudice, some respect has been paid to decency; and men have been restrained by shame when nobler motives have lost their power. Decency should, I think, prevail upon gentlemen to forbear, or drop all opposition to the present motion, by which nothing is intended but to gain the informations necessary for judging of a question, which the interest of our country requires to be well understood; and which I myself, with many others, are desirous to be fully acquainted with. The objections of those two noble persons, who have examined it most, and who have made naval affairs either their study or diversion, deserve at least to be considered, and even the answer that was made to one of them, is a sufficient foundation for enquiry. If large ships, even out of commission, require so large an expence, why do we build or maintain so many to impoverish the nation, not to defend it, never to be sent out against our enemies, and yet waste our treasure by being in the harbour? Why have we not, instead of one of these vessels of useless bulk, 4 or 5 20-gun ships, that might chase the pirates from our coasts, and follow them into their retreats? Why do we employ in the present war, a war against an enemy equally insolent and weak, such vessels as they dare not attack, and which can never attack them? To such questions as these, the nation demands a clear and satisfactory answer; and if the demands of the nation are thought worthy of regard, this motion of my noble friend's, which I now second, will not be rejected.

Mr. *Hay:*

Sir; nothing is more reasonable than for every man to vindicate his character from unjust reflections, and therefore I rise up in defence of mine. I have indeed the honour of sitting at the victualling-board; but, to make use of the right hon. member's polite expression, was never victualled, nor ever tasted any provisions prepared at the public cost, except to prevent abuses and judge whether it was such as was fit for the navy; I am sure I cannot be charged with neglecting to pay the necessary attendance at the office, yet do not deny that I have sometimes signed papers at other places, nor do I think such a practice requires an apology. If the state of the navy be thought a subject proper for examination, I shall cheerfully submit my conduct to the most rigorous scrutiny, without desiring any favour or any protection.

On a division whether this matter should be referred to the Committee of Supply, it was carried in the affirmative, 142 to 85.

*Debate in the Commons on the Bill for Registering Seamen.**] Feb. 5. Sir C. Wager brought in a Bill for registering

* "As the seamen of the kingdom expressed uncommon aversion to the service of the government, and the fleet could not be manned without great difficulty, the ministry prepared a Bill, which was brought in by sir Charles Wager, for registering all seamen, watermen, fishermen, and lightermen, throughout his majesty's dominions. Had this Bill passed into a law, a British sailor would have been reduced to the most abject degree of slavery: had he removed from a certain district allotted for the place of his residence, he would have been deemed a deserter, and punished accordingly: he must have appeared, when summoned, at all hazards, whatever might have been the circumstances of his family, or the state of his private affairs: had he been incumbered with debt, he must either have incurred the penalties of this law, or lain at the mercy of his creditors: had he acquired by industry, or received by inheritance, an ample fortune, he would have been liable to be torn from his possessions, and subjected to hardships, which no man would endure but from the sense of fear or indigence. The bill was so vigorously

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all seamen, watermen, fishermen, lightermen, &c. capable of service at sea throughout his majesty's dominions; upon which,

Sir *John Barnard* rose and said:

Sir; I must own, that the want of sailors is very great, the present emergency very pressing, and the success of the war much hazarded by the difficulty of manning our ships; But the administration appears to me neither to act prudently in discovering so publicly the embarrassments with which nothing but their misconduct has perplexed them, nor justly in demanding that their mistakes should be repaired at the expence of those who deserve better from their country. The aversion, Sir, with which the sailors avoid the service of the crown, is not, I fear, without just reasons; but though the gentlemen in the administration have been long sensible of it, yet, instead of removing that aversion by encouragement or rewards, they seem to regard it as an obstinacy that must be compelled to submission, by laws, restraints, registers, and penalties. Because the sailors claim the common privileges of Englishmen, their governors think it necessary to punish them for asserting their birth-right, by depriving them of the appearance of freedom; for after such a register, as is proposed, has taken place, a sailor and a slave will be terms of the same signification.—Nor was it only in the power of the government to have endeavoured the reconciliation of the sailors; they might have used more expeditious methods for manning the fleet. The marines that have been raised, too lately to be of any service, might with the same ease have been levied sooner: they might then have been dispersed in proper proportions among the crews of our men of war, where, by instruction and example, the business of a common sailor might have been quickly learned, and our merchants might still have had a sufficient number of sailors to enable them to carry on their business.

Thus far it is evident, that this Bill is not necessary, or is become necessary only by the fault of those that propose it. But,

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opposed by sir John Barnard and others, as a flagrant encroachment on the liberties of the people, that the House rejected it on the second reading" Smollett.

" The efforts of opposition compelled sir Robert Walpole to relinquish a Bill, to which he had paid considerable attention, and which he thought essentially necessary for the speedy equipment of the fleet. Government felt sensible inconveniences from their inability to man their ships of war. According to an account given in last year, upon a medium no more than 21,516 seamen had been mustered on board the royal navy, from the 31st of Dec. 1738 to the 31st of Dec. 1739. The public clamour at the same time, on account of the numerous captures made by the Spaniards, hourly increasing, produced many warm petitions and remonstrances. The method of impressing, served only to increase the discontent of the merchants, who were perpetually plying both Houses of Parliament with complaints that their trade was neglected. The matter was therefore referred to a committee, who found invincible obstacles in their endeavours to remedy the inconvenience any other way, than by establishing a general register of all seamen and watermen capable of service. A Bill to this effect was accordingly presented to the House by sir Charles Wager. The opposition fairly allowed the expediency of the Bill, but expatiated with great effect on the hardships which it would entail upon the seaman, who must appear whenever summoned, at all hazards, whatever might be the circumstances of his family, or the state of his private affairs: he must, in many cases, expose himself to the penalties of the act, or leave his family at a time when his assistance and direction were absolutely necessary. He must, if he should by any misfortune or negligence, be encumbered with debt, either fall under the distresses which the breach of this law would bring upon him, or lie at the mercy of his creditors, perhaps exasperated by long disappointments, or by long practice of severity hardened in oppression. Pulteney proposed to defer the second reading a few days, and to print the Bill for the consideration of the House: which was ordered accordingly.—During this suspension, great outcry was raised against the Bill as founded on French edicts, and as tending to the introduction of French measures and French despotism, and the restrictions which it would have imposed on the sailors, which were not inconsiderable, were as usual magnified and exaggerated. The public mind was inflamed to such a degree, that when presented to be read a second time, it was received with a silent horror, as a transcript of the French edict for the same purport, and tending to enslave the most useful body of men in the kingdom. Sir Charles Wager and sir John Norris, who had prepared the Bill, candidly admitted the charge, that it was founded on a similar ordinance, but declared that it was the only expedient which they could devise, to effect the purpose for which it was designed. The minister, however, was disinclined to support a Bill, against which such strong objections were made. He was therefore one of the first to suggest the propriety of dropping it, and it was accordingly rejected." Coxe's Memoirs of Sir Robert Walpole.

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since past errors cannot be recalled, it may be proper to consider the bill as it now lies before us, and examine how far the regulations intended by it are adapted to the ends for which it was drawn up, by what arguments it is supported, and to what objections it seems to be exposed.—It is impossible to hear the bill read without being immediately alarmed at an open attack upon the liberty of many thousands, who have doubtless the same claim of independence with other Britons, a claim which they have not forfeited by any crimes, and which I believe they value too highly to give up for any advantage that can be offered them in recompence. What reason can be assigned for placing these men in a state which every other Briton would disdain? If the design be to propagate slavery, and to register one class of men after another, let the sailors at least, be the last that shall lose their freedom. Let the first register be filled with the dispicable names of pensioners, placemen, sycophants, and dependants; but let the brave, the hardy, the honest seaman retain his liberty, till luxury and corruption, with which the example of those, whom the world calls his superiors, may in time infect him, shall prepare him for slavery.

Let us dwell, Sir, a short time upon the state of a seaman, registered as it is intended by this Bill. He must appear whenever he is summoned, at all hazards, whatever may be the circumstances of his family, or the state of his private affairs, he must, in many cases, expose himself to the penalties of the act, or leave his family at a time when his assistance and direction are absolutely necessary. He must, if he should by any misfortune or negligence, be encumbered with debt, either fall under the distresses which the breach of this law will bring upon him, or lie at the mercy of his creditors, perhaps exasperated by long disappointments, or by long practice of severity hardened in oppression. Nor if he should either by industry acquire, or receive by inheritance an ample fortune, is he in less danger from the bill before us: he may be torn from his possessions, and forced into hardships which no man now undergoes but from the sense of fear or want; so that this Bill equally disables a sailor from avoiding distress, or enjoying prosperity.

Such, Sir, give me leave to repeat it, will be the immediate consequences with regard to our sailors, but the effect of this bill will reach much farther. That every discouragement of our seamen is an injury to our merchants, is too plain to require proof; and indeed what regard has been paid to our traders, is apparent from that clause of the bill that allows sailors to be taken from our trading vessels in America. If the unhappy merchants engaged in that branch of our commerce, a commerce far more beneficial than all others to the British nation, if these men, from whose labours we derive all our wealth, and that power which is the consequence of wealth, have been so unfortunate as to offend their ministerial superiors, let them be punished with all the severity due to so enormous an offence; let their trade be prohibited, and their ships confined at home by a perpetual embargo, but let us not be so cruel as to suffer them to send their ships to America, and then debar them from the possibility of returning. More need not, in my opinion, be said to shew how little this bill deserves our approbation; if it should become a law, nothing can be expected, but that all who are now engaged in the business of navigation, will leave their employments rather than their liberty. At least, Sir, those youth whose years allow them the choice of their profession, will never doom themselves to slavery; so that by manning our navy in this manner, we shall put an end to our power and our commerce.

Mr. *Pulteney*:

Sir; the disadvantages arising to the nation by our inability to equip our fleets with that expedition that war often requires, are, I find, allowed on both sides to be very great. I am sufficiently convinced of them, and by consequence am of opinion, that we cannot do a greater service to our country, than by finding out some expedient by which the naval power of Great Britain may be exerted, with no greater delays than attend the military preparations of France or Spain. How far the present difficulties may be ascribed to the conduct of the ministry, or whether they might have been prevented by a more early levy of marines, I am not able to determine. But whatever be the cause, the effect may be extremely injurious to our trade and our honour; and therefore, Sir, it may not be improper to make use of some extraordinary means to supply the present exigence. Nothing could be more for the honour or advantage of this nation, than some law which might secure a sufficient number of sailors for the service of

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the fleet, without any infraction of their liberty, or violation of their civil rights. But no man can defend such a scheme, as tends to deprive any class of our fellow-subjects of the common privileges of their country. Liberty is never to be injured, whatever is suffered or whatever endangered. But surely the evil is not so inveterate as to require such severe methods of cure, surely rewards may have equal force to allure, as punishments to affright our sailors into the service of the crown. Let us rather have recourse to any other expedient than violence and compulsion, which can only remove our difficulties for the present, but must in reality heighten the dreadful apprehensions which our seamen already entertain, and drive them into the service of other nations. The present Bill I can neither entirely approve nor reject. The questions which arise from a cursory consideration of it, are of too much importance to be negligently determined, and involve too many consequences to be soon examined in their full extent. I am convinced that our naval establishment is yet very imperfect, and that some speedy regulation is required: but whether the scheme now proposed deserves the sanction of this House, a more attentive and deliberate survey must determine. I therefore take the liberty to propose that the second reading may be deferred for a few days, and that in the mean time it may be printed, that every member may have leisure and opportunity to bestow that consideration upon it which it requires and deserves.

Sir *John Norris:*

Sir; the design of the Bill now proposed, it is by no means necessary to explain: nor can any better proof than our own experience be demanded, how much the present circumstances of the nation require this or some other Bill, by which that design may be promoted. The importance of the present war cannot be denied. We have often been told that our trade and navigation are at hazard, that we are asserting the common rights of nature, that we must now conquer or be undone, and that the contest is not for honour but for life. Yet we suffer our ardour to languish, and our menaces to be lost in the air without execution. We have indeed put our fleets into commission, nominated commanders, and collected naval and military stores; but these fleets are yet in the harbours, and these stores decaying without use. For with whatever importunity the nation might call out for war, whatever vengeance they might threaten, and however they might detest or despise the Spaniards, there was, perhaps, never such an apparent and general dislike to the sea service discovered before. Every hardship, every difficulty is preferred before it, and every expedient practised to avoid it. Violence and kindness are equally ineffectual, nor impresses can force, nor rewards allure them to the fleet.

What is the cause of this prejudice, and the evils produced by it, perhaps it is now too late to enquire. The present exigence, Sir, demands not long retrospective disquisitions, but speedy determinations and an immediate remedy; which, whether we can expect from the Bill proposed, must be considered by the House. One objection that will be made to it, an objection very specious and popular, may be easily foreseen, and, I think, removed with no less facility; we shall be told that it proposes the introduction of a French practice, a practice unknown to the constitution of Great Britain, and that the measures of arbitrary governments are not to be imitated here. Thus gentlemen may declaim when reason is against them, and oppose measures not for their consequences but for their original. They may condemn a scheme because it is French, and may, perhaps, be applauded for their zeal, by noisy faction, or unthinking honesty; but the cool, the prudent, and the loyal, will easily discern that something more is necessary for the support of opposition, and the confutation of argument. By the prosperity of the French (that prosperity with which the present administration has been so often reproached) it is evident that many of their measures deserve our imitation, and, if our constitution be defective, is it not one of the great ends of this assembly to improve it? By whom was it advanced from its original imperfection to its present degree of excellence, but by the same powers which are now called upon to add one barrier more to its security?

I own, Sir, that to the method proposed many difficulties may be objected; the eloquence of gentlemen may be displayed, and their sagacity exerted in tracing all its consequences, and exposing its imagined tendency. But is any consequence to be apprehended from it equally dangerous with the want of seamen in time of war?

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Can we suffer by the execution of this scheme in any degree proportionate to the disappointment of our expeditions, and loss of every opportunity which the weakness or negligence of our enemies may afford us? As every form of government, so every method of administration has its inconvenience, which will always be to those, who did not propose it, or who proposed any other, the subject of censure. To try many expedients upon emergencies like this is not practicable; it seems, therefore, prudent, Sir, to put that method in practice which the experience of our neighbours proves to have been successful. That it has been of great use to their government is apparent from the expedition with which their fleets are fitted out, and that individuals have not suffered by it may be presumed from the increase of the numbers of their sailors, since that establishment. Let us not therefore reject any measures, because our enemies have practised them, but let us rather employ their own policies against them, and subdue them by the means that have enabled them to resist us.

Lord *Gage**:

Sir; I have attended to the reading of this Bill, and am confident that did the gentlemen, who brought it in, see the consequences of it in the same light as I do, and indeed almost every body, that ever I heard speak of it, they never would have done it. The Bill is no more than almost an exact copy of the ordinances for the sea service, made use of in a neighbouring kingdom, without considering the different effects of its operation in a free country and an arbitrary one.

I have often been in France; and by my acquaintance there, with those who are at the head of marine affairs, had opportunity of making myself thoroughly master of one of the finest regulated plans for an arbitrary country; which is, their method of registering their seamen and manning their fleets; and though no man there is to register himself, as prescribed by this Bill, or is ever impressed, yet, if at any time the king of France gives his orders to have his fleet manned, in six weeks time, with 20 or 30,000 seamen, it is performed to the very day: but this proceeds from the good usage and encouragement the sailors meet with there.

As to the Bill before us, give me leave to say, it is the most flagrant barefaced attempt upon the liberties of his majesty's subjects throughout all his dominions, that ever was brought into parliament: but I shall speak of it only as it relates to England. Where, in the first place, it is not only to enslave, for the best part of their lives, upwards of 150,000 free born subjects, and to invest the crown with an absolute power over them; but also, thereby to give the crown a farther power of influencing of the elections throughout England: both which points, besides the distressing of all trade, which must ruin the nation, I shall endeavour to make out from the Bill.

To prove that the scope of this Bill is to enslave such a number of his majesty's free-born subjects, it will be sufficient to quote the very words of it, which set forth, 'That all seamen, fishermen, lightermen, bargemen, keelmen, boatmen, trowmen, watermen,' and 'all other' his majesty's subjects within the kingdom of Great Britain, &c. who get their livelihood by going to sea, or by following any business upon the water, being, as I suppose is intended by this Bill, of the age of 18 years or upwards, but under the age of 40, shall be registered, in pursuance of this Act, and obliged to serve his majesty, his heirs, and successors, in the royal navy, when, and as they respectively shall be summoned or wanted thereto, by the respective officers appointed, and to be appointed, by virtue, and in pursuance of this act.

Not satisfied, Sir, with the arbitrariness of this clause, the Bill goes on farther, and says, That if any person required, or liable to be registered, in pursuance, or within the meaning of this Act, shall neglect or refuse to be registered accordingly, within the times hereinafter limited; every person so offending shall be punished with death (being the punishment, I suppose, intended by this Bill) so that these poor people are to be hanged, if they do not come of their own accord to be enrolled slaves. Now, Sir, I would defy even Kouli Kan to send a more arbitrary mandate to any of his conquered countries, than this Bill would be if passed into a law. But let us lay aside the enslaving part, and consider the consequences that would arise from the Bill.

In the first place, all our seafaring men, who are naturally of a roving disposition, will, when under so severe a bondage, let no opportunity escape them of running away from these officers, and of taking re-

* Omitted by Chandler.

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fuge in foreign countries, where there are no laws to confine them to an involuntary service. In the next place, it would effectually destroy all future nurseries of seamen; for what parents will bind out their children to seafaring people, or to those who follow any business on the water, when they know it is the infallible means to enslave them for the best part of their lives, and, possibly, to deprive themselves of support from their children, should they want it in their old age? By these means, and the restraints likewise, by this Bill laid on merchant ships being fitted out, not only the greatest part of our foreign trade might be lost; but also all our inland trade on navigable rivers must suffer from the same reasons. And, in time of war, I dare say, no merchant ships would be manned, without the owners first bribing one of these new-appointed officers: nor would any one of these poor enregistered slaves ever be able to obtain leave to go any voyage for the support of themselves and families, without first paying a gratuity; the Bill saying they are not to move from their places of residence, without leave of their officers.

But now, Sir, let us consider what a set of officers, (the chief of whom, I suppose, will be brought into parliament to add to the number of placemen) are to be dispersed throughout every county in England, as well as in the several districts of each county, who would be as absolute there as any of the grand signior's bashaws, and then see, whether this will not make out my second objection to this Bill, viz. the influence they must have on elections. For, the Bill says, That all the dominions of the crown of Great Britain shall be divided and distinguished into different and distinct divisions, and that each of the said divisions shall be subdivided into so many inferior or subordinate districts, as the lord high admiral of Great Britain, or commissioners for executing the office of lord high admiral of Great Britain, by instruments or writing under the seal of the office of admiralty, shall respectively order and appoint. This, Sir, confirms what I said, as to the number of officers that would be dispersed throughout the kingdom.

Now, Sir, I shall shew you from the Bill, under whose command they would have been; it being therein declared, that the several officers to be appointed as aforesaid, shall from time to time, and at all times, be subject to the government, direction, superintendency, and controul of the lord high admiral, or commissioners for executing the said office; and that it shall be lawful for them, at all times, to nominate, appoint, remove, displace, and substitute such officers and servants, as shall to them seem necessary and expedient. This, Sir, plainly proves, that the admiralty must have the absolute command over the officers designed to controul these poor enregistered slaves; and as nobody can deny, but that the minister, or at least the crown, has the entire command of the admiralty, of consequence the crown would have the power to influence most of the elections in England, by causing those who are enregistered, and have votes for any county or borough, to be either sent abroad or kept at home, as may best serve its purposes. By what I have said, I think I have clearly demonstrated the power this Bill gives the crown over all the elections in England.

The Bill, indeed, says, that these officers shall always select and make choice of those, who, from testimonials and certificates, shall appear to have been longest out of the said service; but what penalty does the Bill fix on the officer, if he does not? Why, none at all. But, suppose there was a penalty,—what would it signify? Would not the officer easily avoid it, and for the sake of a gratuity, or with a view to elections, let them stay at home, whose turn it was to go abroad, under the pretence of being sick or lame? The truth of which, if enquired into, would always be confirmed by the persons favoured. Thus he would be screened, from the necessity he should lie under of sending his quota of men, by supplying the deficiency of these occasional sick and lame men, from among such as were not in turn to go into the service. And then, Sir, every man who had a vote, or who he knew would give it contrary to his directions, would certainly not be forgot to be sent out of the way.—I have taken the liberty of troubling this House with only two objections to this Bill; but were it not for trespassing too much upon their patience, I could point them out twenty others; though what I have already observed, is more than sufficient to determine me against the committing of a Bill, the basis of which is the slavery of free-born subjects.

Sir *William Wyndham*:

Sir; the weakness of condemning measures because they are practised by our

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neighbours or our enemies, has by the honourable gentleman been sufficiently exposed; but he either negligently or willingly forgets, that to recommend them from their example only is equally trifling. That a scheme is French can certainly be no sufficient reason for treating it with contempt or detestation, but that it has been executed with success in France cannot of itself prove, that it will be of equal advantage to this nation. To receive an alarm at the proposal of establishing any part of the policy of absolute governments among us, is not the discontent of faction, but the caution of experience, not the rage of opposition, but the zeal of integrity. For my part, Sir, if I know that any practice is countenanced in France it will seem at least to prove, that it has no tendency to the advancement of liberty, and liberty has, in all uncorrupt parliaments, been their first and greatest care.

On this occasion, Sir, I beg leave to observe that the prosperity of freemen and of slaves is very different, and therefore is to be promoted by different means. The wretches doomed to live under the yoke of an arbitrary government, whose properties, whose quiet, and whose lives depend upon the caprice of a despotic lord, have but one kind of happiness to hope for, the happiness of seeing themselves more rich, powerful, and formidable than the slaves of another monarch, the happiness of seeing their prince courted by his neighbours, and themselves honoured in foreign countries, by those who feel the same miseries without the same alleviations. This happiness, Sir, poor and chimerical as it is, we know to be all that the greatest part of mankind appears to enjoy; and this happiness may be promoted by measures like this now proposed to our imitation. An universal register of sailors may enable a monarch to man his fleets with expedition, expedition may procure success, and success advance the power of his people, and by advancing their power, increase the only happiness which they dare to hope for. The administration in those countries, lies under no temptation to make any other use of power than to aggrandize their prince, and protect the people from foreign enemies. They have no elections to influence, nor any opposition to contend with; they have no new demands of authority to make, nor any danger to fear from an oppressed nation.

But the greatness of Britons, the true greatness of rational beings, consists not in extent of dominion, not in the empty sound of victory and triumph, not in precarious wealth, nor in the power of oppressing others. It consists in freedom and independence, in privileges not to be forfeited but by their own consent. Commerce, wealth and power, are secondary means of happiness, which would, if liberty be lost, be of no value. Liberty is therefore to be first secured, nor are any other advantages to be pursued but by the methods consistent with the rights of a free nation.

All happiness, Sir, is attended with some inconvenience; and liberty is not to be preserved without caution, anxiety, and attention. The complicated interests of the Britons make their councils more perplexed, and the administration of their government more difficult. When the French are engaged in a war with Britain, they have no enemies but the Britons to contend with; all measures that can contribute to success, are salutary and expedient, because they promote the only happiness which that form of government admits of. But the Britons have many dangers to obviate, and many enemies to engage; they may, by trusting their governors with unlimited authority, perhaps become more successful in war; but what would the success avail them, if that authority be made use of to enslave them? The scheme recommended with so much warmth, I grant, Sir, is beneficial to France, because it promotes the power of the government, and by consequence the happiness of that servile nation, which is happy as the government is powerful. The scheme is of use in France, because the government and the people have in reality different interests; but it would be destructive here, because our people and our government ought to have the same interest, or if they are ever divided in their views, the interest of the people ought to prevail.

Having thus shewn, how little the example of France ought to be regarded; how little the measures of a government absolute and unaccountable deserve the imitation of a people, who boast of being subject to laws made by themselves; I shall not engage in so superfluous a task as that of shewing how much the regulation proposed in this Bill, is inconsistent with our constitution: surely nothing is more incompatible with freedom and independence than restraint and compulsion. As to the present situation of our sailors, it is sufficiently deplorable. That honest, labo-

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rious, and brave class of men, to which we owe all our power, our riches and reputation, are already exposed to hardships from which every other subject of Great Britain is exempt. These hardships, Sir, the daily outrages of an impress make sufficiently apparent. Outrages in themselves hateful, and in their consequence destructive. Outrages, by which multitudes of the bravest subjects in Great Britain have been driven to seek for a kinder treatment from absolute princes. Nor is it to be wondered at, that they have rather chosen to live where they are only slaves in common with the rest of the people, than where they have the mortification of seeing that freedom which they, and they only, are not suffered to enjoy.

It is not without the warmest indignation that an honest mind can conceive a brave, an industrious, a freeborn Englishman torn from his employment, deprived of his bread, and condemned without a crime to serve under masters whose tyranny he abhors, or perhaps those whose ignorance he despises. It is surely not without compassion, that any man can see him at his return from a long and hazardous voyage, forced into new labours without the intermission of a single day, and without the sight of his family, for whom he had been labouring. Yet such is frequently the fate of British sailors, and even this might be, perhaps, forgiven by themselves, if it was the last resource of a distressed people, the effect of inevitable and invincible necessity. But when it is added to the account of these hardships, that they are often the amusements of power and arts of an administration to delude their country, surely nothing can be more justly hateful and execrable.

What is intended by the Bill now proposed, but to inflict those hardships by law which are practised, at least, under the pretence of extraordinary emergencies? What can be the immediate consequence of it, but the slavery of those who most contribute to freedom? And what can we expect farther from it but that one encroachment on liberty will make way for another? That our fleets are useless without men, and that from our fleets only we can expect success in the present war, does not require to be proved; nor will it be denied that the present war is of high importance. But success against the most formidable enemy, may be purchased too dear. There are, whatever may be the hon. gentleman's opinion, many evils which victory itself cannot countervail. The loss of fleets, of armies, of dominions, are less dreadful, than the loss of liberty. But that this war may be successfully prosecuted, that the nation may not suffer by unsuccessful hostilities after a shameful peace, that the flag of Great Britain may recover its honour, and her arms be more successful than her politics, it seems necessary to form some scheme for reconciling our seamen to the public service; but surely they deserve so much regard from us, that all gentle methods should be tried, with which I for my part shall readily concur, but I shall oppose every thing as a member of this House to which I should not agree, if I were myself a sailor.

Sir *Robert Walpole*:

Sir; it always portends well to the success of a deliberation when the contending parties agree upon the reality of the grievance, and the necessity of redressing it; because both parties, if they be sincere, must in consequence of their principles endeavour to find out some means of supplying the defects which they acknowledge. The difficulty of manning our ships of war, the delays which that difficulty produces, and the disappointments that are the consequences of those delays, are neither denied nor extenuated. The necessity therefore of consulting about the proper means of raising seamen with more expedition, is already admitted.

The hardships of an impress have been long dwelt upon, and displayed with all the power of eloquence. Nor can it be affirmed that this method of raising seamen is either eligible or legal. I am not about to answer the objections against it, but I shall strengthen them by one more forcible, in my opinion, than all the rest: this method has been found ineffectual and insufficient for the attainment of its end.

With the experience of former reigns, or wars remembered only in books, I shall not weary your attention; it is too apparent, from our own observation, that the most diligent impress may be eluded, and our ships of war lie inactive in port, for want of men, while multitudes, well acquainted with the service of the sea, lie dispersed all over the country, ready to appear and resume their occupation as soon as the impress is intermitted, and the demands of the government supplied.

Not many months ago, the common methods had been used, till not another sailor was to be found: their known places of

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refuge were all searched, the river was cleared, and no stratagem left unpractised by which there was the least hope of gaining a single man. Then the impress was suspended and protections were granted. This alteration of measures soon made it apparent, that there was no want of sailors in the nation. They burst out by thousands from their retreats, and entered into the service of the traders with more than usual eagerness. No less than 16,000 received protections from the admiralty for the service of colliers and coasters only. Such is their obstinacy to decline the public service, and so much are the people generally prejudiced in their favour, that they will always abscond and will always be concealed. But that this practice is to the last degree dangerous to the community must be universally confessed, and that the naval armaments of Great Britain become far less useful to herself and less formidable to her enemies, by the delays, with which they are always obstructed, delays, which the enemy who has no such difficulty to encounter, can always improve to his advantage, and which give a superiority to those powers, which must otherwise become an easy conquest. While we are publishing proclamations, issuing warrants for impresses, and gleaning up our sailors by single men, our secrets are betrayed, our designs and our enterprizes defeated.

To what is it to be attributed that the naval power of France has been so suddenly increased? We have more ships of war, more officers of experience, and a far greater extent of commerce. What then can thus make them formidable at sea, but the facility with which they can equip their fleets? It is to small purpose to build new vessels, to cast new guns, and endeavour to astonish Europe with an enumeration of our fleets. Such boasts will in a short time lose their effect, and be discovered to be nothing more than empty sounds, the farce of war, and the menaces of impotence. To assert the empire of the sea, a part of our dominions of the greatest value, we must not only have ships but sailors; sailors ready to obey our call, and rush out on sudden expeditions. How much such a regulation would add to the natural advantages of our situation and our coasts, how much our influence would be increased, and our power extended by it, no gentleman in this House can be ignorant; nor, indeed, have any of the opponents of this Bill denied the importance of the end proposed by it. Those that have argued against it with the greatest warmth have considered it as an invasion of liberty, an attempt to subject the sailors to restraints and penalties, to which all other Britons are strangers, a consideration that has produced many pathetic exclamations, and affecting descriptions, many severe insinuations, and zealous outcries, which may, perhaps, have some immediate effect upon the hearer, but soon evaporate and give way to reason and to justice, and, I think, it has not yet appeared that reason or justice are against the Bill.

The melancholy representation that has been made of the unhappy state of a registered seaman, owes every circumstance of terror to the supposition that the powers proposed by this Bill to be granted to the admiralty, will be ill employed; a supposition, which the conduct of the gentlemen entrusted with that part of the administration, has made, if not wholly improbable, at least unnecessary, nor has it been proved that this new authority is such as would bring with it any temptation to abuse it.—Why any man should be exempt from obligations to serve his country it will not be easy to shew; and what else is required of sailors by this Bill, than that they be ready to serve their country when lawfully required? If they are laid under any particular penalties upon refusal, it is only because their service is more frequently necessary, and upon more important occasions, and their hardships, if the restraints proposed in this Bill deserve that name, is a tacit acknowledgment of their usefulness, and an honorary distinction of those men who contribute most to the safety and prosperity of Britain.—There is no calumny that I less deserve, and very few that I would more carefully avoid, or more zealously confute, than that of being an enemy to the sailors, that brave class of men to whom we are indebted for the honours of war and the ornaments of peace, who equally enrich and defend their country, and merit equally our regard as soldiers, and as traders. Far, therefore, is it from my inclination to expose them to any other difficulties than those that naturally arise from their adventurous profession; far be it from me to brand those men with marks of infamy, whose industry procures us most of the pleasures of life, and whose valour secures the enjoyment of them from being embittered with apprehensions of foreign power.

The inconveniences that may ensue from

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this act, will be balanced by some advantages: the powers now proposed, may be exercised in such a manner, as to make the yoke, so much dreaded, hardly felt; when the regulations are once established, and the prejudices of novelty are worn away, the sailors will find the alteration of their condition scarcely perceptible, except on particular occasions, such occasions, as are, even in their present state, already supplied by extraordinary and violent methods. Let it be however admitted, that, after this Bill should be passed, the condition of a seaman will be somewhat less eligible than at present, that he will be less master of his own actions, and more subjected to the powers of the government than other Englishmen; I do not, even upon this concession, discover either the injustice or unreasonableness of this Bill; I cannot think it unreasonable that some measures should be taken for the security of the nation, for the efficacy of our arms, and for the honour of the crown; and I think the justness of that maxim which declares the preservation of the public to be the strongest law, has never been yet controverted.

That some expedient of this kind is now necessary for the benefit of the public, and may soon become necessary for its preservation, is evident and uncontested, but from what cause this necessity arises, has been made a question: it has been imputed by an hon. gentleman to the negligence of the administration, and the long delay of levying marines, which he imagined might have supplied the place of sailors. But he forgets that there is no efficacy in the name of marines that qualifies men, raw and unexperienced, though raised under that denomination, to act with readiness and dexterity in a sea engagement; marines, unacquainted with the sea, will act but like mere landmen, and the nation that trusts her honour and security to such warriors, is exposed to hazards, from which, I hope, Great Britain will always be secure. The marines, whatever period he may assign as the proper time for raising them, must have been yet strangers to more than half their discipline, however carefully instructed, or however distributed among abler seamen; and their ignorance would have given our enemies a superiority, which their own bravery, however exalted by themselves, or their politics, however magnified by some of our own countrymen, could never procure them.

It seems more rational to allot the young and unskilful seamen to our trading vessels, which have fewer dangers to fear, and fewer enemies to contend with. A man who has practised the business of navigation but a short time, may manage the sails, and go before the wind, when he has nothing to perplex his thoughts and disturb his labour, or has nothing, however, to oppose, but the winds and the waves; but much greater address, much longer practice is required to govern a ship in a day of battle, where the stratagems of an enemy are to be defeated, momentary dangers to be avoided, and sudden opportunities to be snatched, when the least negligence or omission cannot be repaired, and skill as well as courage must decide the day. If we suppose, in opposition to reason and experience, that the same ability is necessary in the service of the merchants as in that of the crown: let it be considered whether the nation will suffer more by the miscarriage of trading vessels, or of the royal fleet; whether it is not better that traffic should be for a time obstructed, than that our fleets, by which that traffic is preserved, should be ruined or endangered?

It is therefore evident that sailors, and none but sailors, are required to serve on board our ships of war; and to procure a certain, constant and ready supply of sailors, is the sole intention of this Bill; an intention of too much consequence to admit of being impeded by an ill-timed regard for the ease of particular persons, or a popular affectation of tenderness for liberty.—If example were of any weight, I could urge the example of a nation jealous of liberty, and prudent in the transaction of affairs, a nation whose success is a sufficient justification of their maxims. The Dutch, when they are engaged in war, or upon occasion fit out a fleet, are always careful that their ships of war are well provided with sailors, before their merchants are at liberty to admit any into their service. That the importance of trade is well understood by the Dutch was never doubted, but it appears by this practice, that they hold it more advantageous to prosper in war than in commerce; their embargoes are therefore laid without relaxation, and without distinction, nor is a single vessel dismissed from their harbours till their armament is complete.—This appears to me a sufficient proof, that trade cannot suffer by a vigorous prosecution of the war, at least,

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as it must suffer in proportion to the duration of the war, those methods by which victory and peace will most speedily be attained will probably injure it least.

But if the example of our neighbours is not sufficient to influence our conduct, let us review the procedure of our countrymen in a time which every Englishman is proud at the remembrance of. In our late war with France, that war which an hon. gentleman proposed lately as the model of our present undertakings, among other expedients for promoting the success of the British arms, an act was passed relating to our sailors, by which our trading vessels were allowed no more than one able seaman and one boy to 100 tons, besides the master, mate, and carpenter, nor did even this allowance, sparing as it may seem, extend to vessels of more than 300 tons.

Such are the reasons, such is the justice of this Bill, and such is the conduct of our wisest neighbours, and such has been our own in our most happy times, when our policy and our arms were equally the terror of the world; whether this example shall be now followed must be left to the determination of the House, only let me entreat those gentlemen that shall declare their disapprobation of the Bill now before us, not to give way to foreign reflections, injurious insinuations, or undeterminate censures, and general exclamations; the importance of the question demands a different behaviour. It is now enquired, whether our arms shall assert our claim to an open and uninterrupted navigation; whether our trade shall be protected, our flag honoured, and our injuries redressed; whether our menaces shall raise terror or contempt, and our declaration of war, discover our power to Europe or our folly. It is now enquired, whether our fleet shall assert the dominion of the sea, or remain in our ports for want of sailors? Surely the most unprejudiced and serious deliberation is necessary on this occasion, and, that every gentleman in this House may have an opportunity of considering it at leisure, with the attention which it must be confessed to deserve; and form such schemes as may secure the trade and honour of the nation, without any invasion of the liberty of particular persons; I willingly add my voice to the hon. member's proposal, that the Bill be printed, and the second reading delayed to a proper time.

Mr. *Sandys:*

Sir; all that can be urged in favour of such an establishment, as is proposed by this Bill, has been produced by the right hon. gentleman; all the force of eloquence, and all the dexterity of argumentation have been employed on this occasion, and might perhaps have produced greater effects, had they not been depraved by some of the artifices of sophistry, and frauds of misrepresentation; for nothing is more certain than that the number of seamen to whom protections are reported to have been granted was magnified beyond the truth: 16,000 protections might perhaps be granted, but not all of them to sailors, the arbitrary practices of the officers, entrusted with despotic authority by warrants of impress, that made it necessary for others to procure protections, for the security of what no man has a right of violating, their persons and their liberty: not only our sailors have been dragged out of our trading vessels, but passengers, strangers to the art of navigation, have been hurried away without any respect to their remonstrances however reasonable, or evidence however clear. Passengers, therefore, have thought protections necessary, and to passengers a third part of those protections were probably given. So that the most plausible part of the argument is much weakened, and indeed, the whole will soon fall before a strict examination. With regard to the sailors, it is only urged in the extenuation of the hardships imposed upon them; that the power of the admiralty may be exerted in such a manner as to be less grievous than is feared: but what makes the difference between a slave and a freeman, except that the happiness of one is in his own power, and that of the other in the hand of his master? I hope every Briton will think himself miserable whenever he may be made miserable at the choice of another. With regard to the necessities of the public, if our affairs require that part of the people should be made slaves, I do not see how those that have been entrusted with the administration can be cleared from the charge of introducing slavery; and if one class of men must be sacrificed, every man will endeavour to exempt himself and his posterity from that unhappy number. This Bill will be particularly dreadful to those men that ply upon the inland rivers, men very useful to the community, and beneficial to trade, but who never saw the sea, and have the same apprehensions of it with other landmen; these will soon be driven from their calling by the dread of such coercive

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laws, and put an end to all the advantages which navigable waters produce to the nation.

The Bill was then read a first time, and ordered to be printed. On the 19th, the Bill was read a second time; and the question being put, that the Bill be committed, it passed in the negative.

Resolution of the Commons relating to the Price of Coals during the Hard Frost.] Feb. 8. The Commons resolved, *nem. con.* "That an humble Address be presented to his majesty, that he will be graciously pleased to cause directions to be given, that the lord mayor and aldermen of the city of London, and the justices of the peace of the said city, and of the city of Westminster, and within the liberties thereof, do forthwith and effectually put in execution the law for regulating the measures and prices of Coals." *

Debate in the Commons on the King's Message for a Vote of Credit.] Feb. 11. The House being in a Committee, sir Robert Walpole communicated to them the following Message from his majesty:

"G. R.

"His Majesty, in further prosecution of the just and necessary War in which he is engaged, having under his consideration certain measures which will occasion some extraordinary Expences not comprehended in the Estimate laid before this House, hopes, from the known zeal of his faithful Commons, that he shall be enabled to carry on the same in the most effectual manner."

The Message being read,

A *Member* rose and spoke as follows: * Sir; I shall be the last person in this House to oppose the just demands of the crown now, at a time when his majesty has, contrary to the declared sentiments of those who are supposed most to influence his councils, so far hearkened to the voice of his injured subjects as to enter into a war with the power which so long insulted and provoked this nation. When I say this, Sir, I hope I need say no more to convince gentlemen that my rising up, at present, proceeds from no design I have to embarrass the measures that his majesty may have under his consideration: as I am entirely unacquainted with the nature of them, it is my duty to presume that they are for the honour and safety of Great Britain. Far less, Sir, do I intend to throw in any objection to our agreeing to the import of this Message. Nay, if any gentleman should be of opinion that it is either unjust or unseasonable, I would beg leave to oppose him. I therefore rise up, Sir, to shew my readiness to comply with this demand. I know how many unforeseen accidents and exigencies may happen in the course of a war like this; I know how necessary it is to the success of it that his majesty should be supported both with the countenance and purses of his subjects; and I know, Sir, how readily our

* "During the greatest part of this winter, the poor had been grievously afflicted in consequence of a severe frost, which began at Christmas, and continued till the latter end of February. The river Thames was covered with such a crust of ice, that a multitude of people dwelled upon it in tents, and a great number of booths were erected for the entertainment of the populace. The navigation was entirely stopped: the watermen and fishermen were disabled from earning a livelihood: the fruits of the earth were destroyed by the cold, which was so extreme, that many persons were chilled to death; and this calamity was the more deeply felt, as the poor could not afford to supply themselves with coals and fuel, which were advanced in price, in proportion to the severity and continuance of the frost. The lower class of labourers, who worked in the open air, were now deprived of all means of subsistence: many kinds of manufacture were laid aside, because it was found impracticable to carry them on. The price of all sorts of provision rose almost to a dearth: even water was sold in the streets of London. In this season of distress, many wretched families must have perished by cold and hunger, had not those of opulent fortunes been inspired with a remarkable spirit of compassion and humanity. Nothing can more redound to the honour of the English nation, than did those instances of benevolence and well-conducted charity which were then exhibited. The liberal hand was not only opened to the professed beggar, and the poor that owned their distress; but uncommon pains were taken to find out and relieve those more unhappy objects, who from motives of false pride, or ingenuous shame, endeavoured to conceal their misery. These were assisted almost in their own despite. The solitary habitations of the widow, the fatherless, and the unfortunate, were visited by the beneficent, who felt for the woes of their fellow creatures, and, to such as refused to receive a portion of the public charity, the necessaries of life were privately conveyed, in such a manner as could least shock the delicacy of their dispositions." Smollett.

* This Debate is taken from Chandler, who informs us, that it "never before appeared in print."

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not complying with the demands of the crown at this juncture, would be pleaded as an excuse for an inglorious and unsuccessful management. Besides, Sir, I have another reason for our agreeing to this demand, and that is, because I am willing to encourage measures of this nature, as it prevents the destructive method which both Houses have lately too much fallen into of Votes of Credit. These, Sir, tend to make the ministry masters of the purses of this nation; and every Vote of Credit, which we give to the crown, is a temporary suspension of our own power. When his majesty, Sir, sends a Message in this manner, he asks for so much money upon account, and the minister is to be charged with whatever is granted, which is limited to a precise sum. Therefore, Sir, when we comply with a demand of this kind from the crown, we know what we are doing; the measures for which the sum is granted must be laid before the House; the House is judge how far these measures require such a sum, and the ministry is answerable for the application.

However, Sir, I am far from thinking, but that a minister who has studied a little theology, may find means to make up his accounts in such a manner as to bubble the public in a great part of the sum that is granted, and that is to be accounted for from the disbursements that have been made at the public offices. Gentlemen may remember the unjust Steward in the Gospel, who had 'wasted his master's 'goods,' and when he was brought to account, he goes to one of his master's debtors; 'How much,' says he, 'do you 'owe my lord?' 'A hundred measures.' Then write down fifty. Now, Sir, I do not see what is to hinder, but that a minister, who is his prince's and the nation's steward, may do the same thing. His account for a sum that is granted for a particular service is to be given into this House; he knows how much they are deficient, and how ill the money has been applied. Therefore he goes to the navy-office, 'What have your disbursements been?' 'Twenty thousand pounds. Then take 'your bill and write thirty.' He goes to the Victualling Office, 'What is the amount 'of your bill?' 'Forty thousand pounds.' Then write sixty. In short, Sir, there is nothing more easy than for a minister, who has as much sense and cunning as this unjust Steward had, to make up his accounts so as to put a sixth, a fifth, nay a fourth part of the sum granted upon account into his own pocket. We all know, Sir, very well, five or six years ago, when some navy-accounts were examined in this House, what frauds appeared; how intricate every article was; what prodigious trouble and time it cost the House before we could understand them, and how ineffectual all the pains and trouble we had been at was when it came to a vote. But, Sir, I do not intend that this should discourage gentlemen from agreeing to this demand; I only mention it, that they may be upon their guard as to the application of what we may grant, and that they may not be surprized into an approbation of accounts, especially as we are now at so immense an expence, before they are fully canvassed. For my own part, Sir, as I am by no means against our complying with his majesty's demand, I expect to be heard, if I desire, as a member of this House, to be satisfied as to the application of the money that is granted.

But though I have no exception to the demand itself, I have very weighty, very strong exceptions, Sir, at the manner, in which it is brought into the House. We are to consider, Sir, that we are but one House of Parliament; and that there is another House of higher jurisdiction than this. A House, Sir, that the wisdom of our ancestors has fixed as the proper barrier betwixt the aspiring privilege and encroaching prerogative. The power of granting money indeed is what is now vested in this House; but, Sir, give me leave to say, that it is a power that the other House have never yet directly and explicitly given up. I do not speak this, Sir, as if I thought that we ought to regard any claims they have of that kind, but because, as they do not contest what we apprehend to be our privilege, so we ought not to endeavour to deprive them of what is justly and indisputably theirs. We do not find, Sir, the House of Lords disputing with us the right which we have to be judges of the money that is granted; we do not find them insisting upon their right to judge of it as well as we; and therefore, Sir, we ought not to think of depriving them of their right to judge of measures. The present Message, Sir, mentions measures, and demands money for carrying on these measures. Now, Sir, though I think it was right to make us judge of the money, yet it would have been reasonable that they should be made judges of the measures. This, Sir, is a right that we have no occasion to be jea-

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lous of; for while we are judges of the money, we can always make ourselves judges of the measures; since if we do not think the measures for which the money is demanded of sufficient importance, we are at liberty either entirely to refuse it, or to grant it very sparingly.

I am sorry to say it, Sir, but I perceive that of late very little deference has been paid to that House; all applications have been made to this, and we are even distinguished, Sir, with having the first minister one of our number. This House therefore, Sir, has been the channel through which most of the national liberality has flowed; and we have not, for these 20 years past, suffered one vote of any consequence to pass contrary to the sentiments of the ministry. Now, Sir, though I am as jealous of the rights and privileges of this House as any man living, and though I would part with every thing sooner than be accessary to any steps that might tend to diminish them, yet give me leave to say, Sir, that the best and the surest way to preserve them is, by suffering every branch of the legislature to have its due influence in all public occurrences. If a disproportionable weight of power should ever be thrown into our scale, Sir, it will be the first thing that will undo us. It is by the proper balance that is preserved in the several powers of the constitution, that our liberty alone can be preserved.

Now, Sir, give me leave to suppose that the other House shall find fault with this Message because it was not communicated to them; if that they shall say, the Commons ought indeed to have been consulted upon the Supplies that were necessary for the measures his majesty has under his consideration; they have a right to determine of the ways and means to raise those supplies; but surely it was our undoubted right to be made acquainted with the measures themselves. I say, Sir, supposing the other House shall reason in this manner, and come to some violent Resolutions upon that neglect; have not they, who have advised his majesty to this step, a great deal to answer for to the nation, if, at this critical juncture, any bad consequences shall ensue? The prudence, indeed, which the other House has always discovered, and their known zeal for his majesty's and the nation's interest, will, I do not doubt, prevent them from coming to any extremity; but, as hinted before, Sir, we ought, for our own sakes, to take care that the other House has its proper weight in all public deliberations. Whether they have had it of late, Sir, I do not presume to determine; only I know that I have often been at a very great loss to know when they were to sit, or if they were sitting at all. I have asked, I believe, in one day, of a dozen people, Is the House of Lords sitting? We do not know. Do you know if they sat yesterday? No. Do you know when they are to sit? No. In short, Sir, I could not learn till I stepped to their door-keeper, and then he might perhaps tell me, that they had some cause to determine, or some matter of property, upon an appeal, to settle; but otherwise there was no more talk of them, than there is of the convocation.

Having said thus much, Sir, I cannot help putting the House in mind of the practice of former ministries, when any unforeseen measure, not provided for, and not comprehended in the Estimates laid before this House, was entered into; the sovereign then, Sir, came to the House of Lords, sent to require the attendance of the Commons, and in a speech from the throne, informed the parliament of his demand: And if the measures for which it was to be granted were of a secret nature, as in time of war they commonly are, the parliament without any more to do complied. The House of Lords addressed the crown, expressing their readiness to support his majesty in the measures he should undertake, and the Commons immediately set about finding ways and means for raising the money demanded. Another method of proceeding, Sir, in such cases as the present, was by sending a separate Message to both Houses, of the same nature with that which the right hon. gentleman has communicated now. Either of these methods, Sir, would have been parliamentary; but I can by no means agree, that the method in which this demand has been made is so.

The king, Sir, has been this session at the House of Lords; and it could not have cost the ministry a great deal of trouble, had they advised his majesty, after he had given his assent to the bills that were ready, to have acquainted both Houses from the throne of the import of this Message. This method, Sir, would have been unexceptionable; it could have given rise to no difference betwixt the two Houses; a just regard was had to each; the Lords would have judged of the measures, and we of the money. If his majesty had not thought proper to have

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communicated the measures to them, I dare say, their known prudence and zeal would have entirely relied upon his majesty's wisdom and royal cares. We on the other hand, would in like manner have been satisfied, and immediately settled the proper sums and manner of raising it. How natural is it, Sir, for the Lords, when they meet, in our bills of supply, with a sum greater than what is contained in the Estimates given in, to be at a loss for what end this sum was granted. Supposing, Sir, we grant, in consequence of this Message, fifty, a hundred, 200,000*l.* when the Money bills are carried up to the House of Lords, they immediately perceive that there is so much money granted more than the Estimates amount to; how shall they know, Sir, for what end this money is granted? They can have no direction in the body of the bill.

Mr. *Scroop:*

Sir; I beg pardon for interrupting the hon. gent. but I perceive he is in a mistake; and I believe he will forgive me when I inform him that there will be in the Bill of Supply a clause of Appropriation for this very sum, which will set the Lords right, as to the reasons of granting it.

The *Member* then went on:

Sir; I am obliged to the hon. gentleman; but that does not at all invalidate what I was going to observe; I say, Sir, how shall the Lords know for what reason this money was granted? By the clause of Appropriation, says the hon. gentleman. But, say they, are we to take this information from the Commons? Ought not we to have had the measures for which this sum was granted, communicated to us by the crown? Who made the Commons better judges of his majesty's intentions of the propriety of measures than we are? Have we not reason to think ourselves neglected? or have we given his majesty any grounds to suspect that we are not in our zeal as forward, and in our affections as warm towards his majesty's service as the Commons can pretend to be? This, Sir, is naturally the manner, in which the Lords may reason when they come to this appropriating clause: and there have been times, Sir, when such a misunderstanding as this may be, has been enough to defeat all the intention of money bills, and greatly to clog the service of the nation.

I hope, Sir, gentlemen will pardon me that I have spoken thus freely; I have no motion to trouble you with; I have no objection to this demand; but I thought it my duty to put gentlemen in mind, that our assuming or accepting of extraordinary power, in prejudice of the just rights of the other House, never can give us any real security, nor do the nation any real service. It is our business to take care that none of our valuable privileges are wrested from us; to take care that we remain independent and uninfluenced; and though our being reduced to depend on the other House of Parliament, would be indeed a deplorable situation; yet it is desirable when compared with that of being directed and swayed by the power of our own number. For then, Sir, all the extraordinary weight, which we now boast of, would not be that of the Commons, but one commoner; and if that one was immediately protected by and depending upon the crown, it is, in the main, the power of the crown that is swelled; and in a short time the crown must be master of the privileges of parliaments, and consequently of the liberties and properties of the people.

Sir *Robert Walpole:*

Sir; the surprise I am under at what fell from the hon. gentleman who spoke last, is, I own, not without a mixture of indignation. To hear a member of a British House of Commons talk in the strain he has done, is, to me, very extraordinary. It is no unusual thing for this assembly, and all other bodies, to be jealous of an abridgment of their powers; but it is unusual for a gentleman who sets up as a power in those who are by the constitution appointed the guardians and protectors of those liberties.

I must confess, Sir, that the hon. gentleman at the opening of his speech gave me a very agreeable surprise; he owned the expediency of the demand; he applauded the manner, and approved of the reasonableness of it; but I soon changed my sentiments, Sir, when I heard what followed. This demand, says he, though both reasonable, regular and just, may be a demand made by the minister to swell his own pockets. How does he prove this, Sir? By the example of the unjust steward? But will gentlemen say, that the least parallel can be drawn? Is any man in the kingdom, who is ever so little conversant in public accounts, ignorant, that it is next to impossible for a minister to play the game of the unjust steward? Must not

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every office which he has named have vouchers for their accounts? Must not these vouchers be brought to the offices where their accounts are past? Are there not examiners? Are there not comptrollers, and commissioners, whose business it is to be a proper check upon every fraud either in the accounts or their vouchers; and must not regular-attested copies be transmitted and filed in the several offices of the revenue and treasury? Can gentlemen think, Sir, that the influence of any minister can be so extensive, as to prevail with so many men of undoubted honour as the officers must be composed of, to make them violate their conscience and endanger their reputation, by being subjected to the tongue of every mercenary fellow who is in the secret, and who may inform against them; and who, they may easily suppose, will make as little scruple to betray them as to cheat the public? Why, in the present instance, before a minister could bribe the several officers through which the accounts must pass, and the whole is laid before the House, he must be out of pocket the whole sum. So that the hon. gentleman's insinuations of this kind could proceed from no manner of ground, but that he must at any rate have a fling at the minister. Even scripture, Sir, must be pressed into this service; and when no arguments can be drawn from our constitution, parallels must be invented from our religion. I fancy, Sir, were the hon. gentleman himself a minister, and a member of this House, that he would think it very unfair play, should any one of the opposition attack him in the same manner; and, Sir, I think the hon. gentleman, who has so many fine qualities, and, I believe, no aversion to being a minister, ought, in common prudence, not to be too lavish of this method of opposition, since some time hereafter, others may improve upon that scheme, which he himself has introduced, and turn it against himself. For my own part, Sir, if ever I shall have the honour of being in the opposition, I shall never either affect nor encourage in others the manner that seems now so much to prevail.

Having said thus much of that part of the hon. gentleman's speech, Sir, which I conceived to be nothing to our present purpose, give me leave to make some observations on that part of it that has an appearance of reasoning. The hon. gentleman is very angry that the Lords did not receive a Message, or were not applied to at the same time with this House. Sir, I have a very just sense of the powers which the constitution has vested in a British House of Lords, and a very great value for the noble personages that now compose that august assembly. But, Sir, while I sit in this House, I shall ever oppose any application from the throne that may be made to that House for money; that, Sir, I shall ever look upon as a violation of the rights of the Commons; and, were I a member of the other House, I should be of the same mind. Let the hon. gentleman apply the rule here which he himself laid down, that the only way to preserve the national liberty, is to suffer every branch of the legislature to have its due influence in all public occurrences. Sir, if we should once suffer the Lords to be associated in our right of granting money, this branch of the legislature would be a mere cypher. For what are our powers, Sir? We have a right to impeach, to advise the king, to have our persons exempted from arrest during the session of the parliament; but what would all these privileges amount to, or how soon might we be stripped of them, if we once parted with the sole, the uncontroulable power of granting money. The House of Lords have many privileges, they enjoy many rights, that are inherent to them as a body, and unalienable to their persons. They are the supreme court of judicature; the highest council of the nation; they have a right to put a negative upon our proceedings; their persons are at all times sacred, and it is even in their power to prevent our making a bad use of our privilege of granting money, by throwing out the Bill, if they shall find that we have been more lavish than the circumstances of the nation can admit of. And yet, Sir, not all this power in a House of Lords, great as it is, can endanger the balance that poizes the constitution, if we shall still assert our right of granting money. But the moment that we admit of this power being disputed or shared with us, then the balance of the constitution is endangered, and the properties of the people taken out of the hands of their natural guardians.

I now come to consider, Sir, whether an application from his Majesty in the present case to the House of Lords, would not have been an invasion of our rights to grant money. The hon. gentleman said, and very rightly too, that the sole disposal of the money of the nation is what the Lords have never explicitly given up to the Commons: but, Sir, is not that very

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circumstance a caution to us how we admit that any application, when money is to be granted, should be made to another body? May we not, Sir, by admitting of such a practice confirm that claim which, by the hon. gentleman's own position, the Lords have never given up? But, says he, they are judges of measures as we are of the sums to be granted for supporting these measures. Very well, Sir, and as this application from the crown was not for any advice about measures, but purely for money, which is to carry on measures that his majesty has not thought proper, and which, indeed, might be highly improper to communicate, could any of his majesty's ministers have answered for it, had they advised their sovereign to apply for that money to the Lords in conjunction with the Commons. That, Sir, would not have been applying to the Lords for their probation of measures; for how can they approve of measures which they know nothing of? It would have been applying to them for money, which we alone ought to grant. I could almost rest, Sir, upon this issue: whether the hon. gentleman himself, had he been a minister, would have advised his majesty, when he came to the House of Lords, to have addressed himself to the parliament in the following terms: "My Lords and Gentlemen, I having under my consideration certain measures which will occasion some extraordinary expences, not comprehended in the estimate laid before one House of Parliament, I hope, from your known zeal, that I shall be enabled to carry on the same in the most effectual manner." How would such a speech have sounded in the ears of the Commons? Here is a direct application to the Lords as well as the Commons, for money. And the Lords are at the same time called upon to make good the deficiencies of estimates that never were laid before them.

This Message, Sir, will require very little consideration to convince us, that it is indeed no other than a kind of a supplement to the speech delivered the first day of the session from the throne. In that Speech, Sir, there is always a paragraph which is addressed singly to the Commons, acquainting us, that his majesty will order the estimates for the service of the current year to be laid before the House, and recommending unanimity and dispatch in the supplies. According to this estimate, Sir, we regulate the sums we raise, and never grant more than what is contained in these estimates. The House of Lords, on the contrary, never have any estimate laid before them; and, therefore, they cannot examine the sums granted by the estimates laid before them, as the hon. gentleman that spoke last insinuated, they might insist upon having, and which is the peculiar privilege of this House. Then how does the case stand, Sir? His majesty, in his speech from the throne, acquainted us, that he would order the proper estimates for the service of the current year to be laid before us. A service is undertaken of which no estimate can properly be made, and he sends to acquaint the Commons singly, that he hopes, from their known zeal, that they will enable him to carry on the same in the most effectual manner. Now, Sir, by what I understand from the hon. gentleman who spoke last, he apprehends that the purport of this message ought either to have been contained in the speech itself, or delivered from the throne when his majesty came to the House of Lords, or communicated by way of message to both Houses.

I believe, Sir, I may venture to say that the public is sufficiently apprized that the measures his majesty mentions he has under consideration, are for distressing the enemy in America, by an expedition, the particulars of which it would be highly imprudent to communicate: But if an estimate, Sir, had been made of the expences which every branch of this service requires, the particulars must have been known, not only to ourselves, but our enemies, and therefore they might have had time and opportunity to defeat the whole expedition. Besides, Sir, gentlemen cannot say, but that a great many particular services required in this expedition, have been resolved upon since the beginning of the session. From these reasons it appears, that his majesty, or they who advise him, could not have laid this estimate with the other estimates before this House.

The other expedient proposed by the hon. gentleman, I mean that of communicating it from the throne, was equally impracticable consistently with the rights of this House. I have already, Sir, considered how this proceeding would have looked, and, I think, I have proved, that it would have been a direct violation of our rights as a House. I shall only add, Sir, to what I have already said, that his majesty in his speech from the throne, informed both Houses, that the services of

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the current year would be various and extensive, and inevitably attended with great expences and some inconveniencies. He was likewise pleased to inform us, that he intended the enemy should be distressed and annoyed in their most sensible parts. This, Sir, was all that the other House could expect; and if those services, by being so extensive, call for a further supply than what is comprehended in the estimate, to whom could his majesty so properly apply to as to this House?

The third expedient, that of communicating this Message in writing to both Houses at the same time, would perhaps, have been a more absurd way of proceeding than any of the other two; for it must either have been in the same words or in others. Had it been in the same, it was a direct violation of our rights. This, I believe, is what the hon. gentleman himself will not dispute; and Sir, I will give up the cause, if the hon. gentleman, or any of his friends, can frame a message in other words to answer the same purposes. All that his majesty, Sir, could have said, by way of message to the other House, was, My Lords, I have certain measures under my consideration which I hope will merit your approbation. He could not, Sir, with any manner of propriety, have mentioned a single word to the other House alone of Estimates of supplies, and what this message contains besides is nothing at all, or at least no more, than what he delivered from the throne in the beginning of the session.

But, Sir, to put the absurdity of supposing, that the Lords can have any reason to be dissatisfied with this message being addressed to us singly, beyond all dispute, I must put gentlemen in mind that it is the prerogative, it is the duty of the crown, without consulting either House of Parliament, to put in execution such measures as may most effectually distress and annoy the enemy. This power, Sir, is lodged in the crown in time of war; it has never yet been disputed by the most jealous opposers of the court; so that, Sir, the Lords can have no shadow for complaining, that his majesty has not beforehand submitted his measures to their deliberation. If they complain, Sir, it must be because his majesty has not asked their concurrence in granting the supplies that are necessary for carrying on these measures, a practice, Sir, which, I hope, never will prevail in this kingdom.

The present, Sir, is a critical time: The eyes of all Europe are fixed upon our deliberations; and, Sir, I am sorry to hear any thing thrown in here to break that unanimity, which is the soul and the life of councils. We ought to consider, Sir, that in a numerous assembly, such as this, gentlemen cannot expect that every thing they say, should be long a secret; and, Sir, if the Lords should think, from what has been this day said, that they will meet with a party amongst ourselves ready to give up a point, that they have so long and so ineffectually laboured, who can say what may be the consequences? At home, Sir, I am sure the constitution must feel the worst effects from such an alteration, and nothing could give, Sir, our enemies abroad so much joy, or our friends so much concern.

The hon. gentleman, Sir, said somewhat about this House being reduced to depend upon one of their own number; but as I cannot understand what he meant, it is enough for me, Sir, to take notice that I know of no dependance which this House has upon any body. Gentlemen, I do not doubt, would be very glad to see it dependent upon themselves; but, I hope, we never shall know any but a constitutional dependency: and that, I hope, we shall always know. Mean time, Sir, I cannot help thinking it an odd way of arguing, for gentlemen, in one breath, to cry out against the excessive power of this House, and the next to bewail its dependency upon one person. I shall add no more, Sir, but to wish that gentlemen would so unanimously agree to this just and necessary demand of his majesty, as to leave no room for the enemies of the nation to hope that this House, or any members of it, would wish, by an ill-timed jealousy, or frugality, to distress his majesty's measures.

Mr. Speaker *Onslow*:

Sir; I think myself obliged to rise up on this occasion, when somewhat has been thrown out that seems levelled against the great and most important right of this House, that of granting money. It is a right, Sir, that never ought to come into doubt; it is a right which we cannot part with the sole exercise of, without giving up our own power, without betraying the liberties of our constituents. In my opinion, Sir, this message is drawn up with a just regard to that right, and had it not come in this manner, it would have been irregular; nay, I will go so far as to say, Sir, that had another House been applied

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to for this money, though I have the greatest regard for his majesty's service, though I have the greatest opinion of the justice and necessity of this demand, yet I, had not another member of the House seconded me, would have opposed it.

I cannot sit down, Sir, without doing justice to the hon. gentleman who spoke last save one, by declaring, that ever since I had the honour to sit in this House, or to know any thing of gentlemen's sentiments, I never knew any gentleman more attached to the rights and privileges of this House; I always heard him upon that subject with as much pleasure as ever I heard any gentleman in my life; and I will say farther, Sir, that, I believe, no gentleman has juster sentiments of our constitution than that gentleman has, or can defend it with more zeal and abilities. If the hon. gentleman, therefore, threw out any thing upon this head that seemed to glance at the sole power, which I hope, this House will assert of granting money, it was only from his zeal, lest the other House might take occasion from a seeming neglect to raise objections that might embarrass his majesty's measures at this important juncture. But I am persuaded, Sir, from the experience we have always had of the moderation and equity of that august assembly, that we have nothing of that kind to fear.

Ordered, That the said Message be referred to the Committee of Supply.

*Debate in the Lords occasioned by a Message for a Supply being sent to the Commons only**.] Feb. 28†. The Earl of *Halifax* having taken notice of a Message sent from the King to the House of Commons [See the debate on this Message in the House of Commons at p. 435.] which had not been communicated to the Peers, spoke to the following effect:

* This Debate first appeared in the London Magazine for Sept. 1740, and was afterwards copied into the Gentleman's Magazine for Feb. 1741.

† *From the Seeker Manuscript.*

Feb. 28. Debate on the motion, that a Message for Supply to the Commons alone is against the privileges of the Lords.

Halifax. Have we so long flattered the minister that he can be secure of us without common civility to us? The House of Lords is as much out of thought as the Convocation. Even if the essence of parliament were lost we should still keep up the form and appearance of it. Our countrymen's expiring liberties call loudly for our aid, and it is very melancholy if we cannot take care of our own. This Message could not come from a lord: must the dignity of this House be treated as cavalierly as the unfortunate character of any single person [meaning I believe, his uncle Scarborough, who had then lately shot himself] This is no matter of dispute between us and the Commons. All our ambition is to be consulted as a House of Parliament. The Commons are interested in the support of the same cause; if this House be brought low the Commons will not be secure. Motion, that it is contrary to the usage of parliament and derogatory to the privileges of this House, that a Message for Supply should be sent to the Commons singly.

Delawar. It is the inherent and fundamental right of this House to alter Money Bills. But the best way to preserve our privileges is to abide by those which are certain and known. The king in his speech in the presence of the Lords applied to the Commons for money, and told them the Estimates should be laid before them. If these are not sufficient, he must either come to parliament again or send a message. And how would it run if such a message were sent to the Lords: it would be said it was to desire approbation of measures before it was known what they were. There is scarce an instance upon the Journals of either House of a message sent at the same time to both Houses. The message in 1726 would have given no offence, but that the word 'parliament' was in it.

Talbot. This House hath long shewn a contempt of national frugality. Above 200,000*l.* annually divided amongst the members of it. This cannot be done by a bankrupt beggared nation. Your lucrative employments are enjoyed with unenvied reputation. If the House of Commons, instead of being elected by 8 millions of people, be elected by 50,000, they will be the proper representatives of their infamous constituents. In 1717, was the first message of this sort, and the motion upon it was carried but by four in the Commons, after many days debates. This Message was to demand a sum where no Estimate was laid before the House.

Lovel. The Message is sent to the Commons whilst the Committee of Supply is open.

Cholmondeley. Voting money without a demand would be wrong.

Hardwicke, C. The message was no demand of a supply: that had been made from the throne. The modern usage and present course of parliament is, that the king should send an Estimate. Now, the present Message is a desire that they would grant without an estimate part of the supply already demanded; the nature of the service not admitting an estimate.

Carteret. This explanation would end the debate if it could stand, but it cannot. This is a new demand.

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My lords; as no lord can have a truer regard for the honour and privileges of this House, than myself, so none can feel a warmer indignation whenever any attack is offered them. To preserve this supreme council of the nation in the full enjoyment of all those rights derived to us from the constitution of parliament, is a duty we owe ourselves, a duty we owe our posterity, a duty we owe our country. The privileges of this House, and the liberties of this nation, are embarked on the

Finlater.

Onslow.

Delawar. Put the previous question.

Carteret. A previous question to avoid asserting our own rights is very bad. If you forget yourselves you will fall into oblivion. The crown hath the greatest interest in preserving the dignity of this House. The king is a great king because he hath great subjects. The Commons are judges of ways and means: the Lords of services and measures. If a message is to be sent to the Commons, because money is the consequence, this House is lost. Nobody will bear to see this thing repeated; the matter in 1726, a great man got put off almost with tears in his eyes. If such things are overlooked, this House will come to be an empty room with a great coal fire, a few bishops, and two judges, and the Lords walking into the court of Requests to know what Message hath been sent to the Commons separately when they are to come up in separate Bills. The rule of parliament is the guard of the Commons as well as ours; that the king should make his demand in full parliament: these things are most dangerous at the latter end of a session. No Message of this nature is to be found before 1726, but in the apprehension of troubles with Sweden. This was not taken up publicly in the House of Lords, and it was carried in the Commons but by a few: great persons now in that House opposed it then. Since 1726 messages have been sent to both Houses. The motion will have its effect, whether it pass or not. I am willing to look on the Message as a mistake; but if it be repeated again it will never be forgotten nor forgiven.

Newcastle. The House differ about the meaning of the question. This is a reason for the previous question, if it was a new demand of a supply, no lord would be for it. But what message or speech could there have been to this House on this occasion? This House could not be asked to enable the king, and it would be an affront to tell them the matter without that. You may reject the 200,000*l.* produced by this Message if you please. In 1728 the very same thing was done that is now, taking no notice of this House at all. That of 1727 would have been wrong if the word parliament had not been used. For there the advice of the Commons was desired without that of this House. If questions are to be started that may disturb our unanimity this will do harm.

Chesterfield. The zeal of one young man saved the Roman senate by rousing them; whoever slights you, thinks you weak already. His majesty thinks of this House as they deserve. The Lords of the Council did not know of this demand; else they would have prevented it: and if they did not know of the demand, probably they did not know of the occasion of it. Yet surely this cannot be; there is no fence against this in the Bill that appropriates the services. You must take either all or none. This House hath been called an Hospital for retiring Ministers, or a Sanctuary for guilty ones. The members of the other are zealous: you are remiss. Forms are never struck at till the substance is destroyed; only the insolence of power strikes at forms: but wise men will preserve them. A noble lord [Delawar] at first put a negative to a question which every man in the kingdom must subscribe to the truth of. His moving the previous question after this doth not look well. But he recollected, and I hope will recollect again, the meaning of the previous question is a negative in effect.

Delawar. I own I have recollected, and am for the previous question. I hope the noble lord will recollect, and be for it too.

Hervey. How doth there appear to be occasion for this motion; and if there be none, why is it made? Some say many acquiescences have occasioned this treatment; others say there is no precedent of it. A noble lord [Carteret] says this thing will never be done again. Therefore drop it now.

Bathurst. A Speech from the throne would have been the proper method of asking a supply. Let us resolve, that all other methods are new and dangerous. The judges have given their opinion that all supplies are to come from the Commons, that the Lords may alter so as to lessen but not enlarge. This is from the Year Books in H. 4. In the way which hath now been taken, if the House approve of what is designed in general, but not of some particulars, they can have no way of shewing it. There was an attempt in the Commons of tacking: on which this House entered a resolution never to do it.

Ilay. If the question had been whether this Message was demanding a new supply, I would not have been for the previous question. The supply was not closed, proceedings would be intolerable if there were no room for the previous question. A question may be proposed for which no occasion appears, that such or such an action is contrary to law or gospel. This would be an idle question. Suppose when the Speaker hath said the Commons have granted a supply, it should be moved that the Commons have not power, this would be an idle motion. Either House separately may be called the Parliament.

Hardwicke, C. I am sure the young lords

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same bottom, and we cannot forego the one without endangering the other. Our acquiescence under any affront, be it the effect of design, or be it the effect of neglect, may in future times be looked upon as a tacit resignation of our rights, and be made a precedent to the dishonour of this House, and the destruction of this kingdom. I cannot, therefore, too earnestly recommend to your lordships' consideration his majesty's Message to the Commons, which we find in the printed Votes of the 12th of this month. The words of the message are these:

"G. *R.*

"His majesty, in further prosecution of "the just and necessary war, in which he "is engaged, having under his considera- "tion certain measures, which will occa- "sion some extraordinary expences not "comprehended in the estimates laid be- "fore this House, hopes, from the known "zeal of his faithful Commons, that he "shall be enabled to carry on the same, "in the most effectual manner."

And does his majesty hope less from his faithful Lords, that, contrary to all form and custom, a demand of Supply shall be made to the Commons singly, and your lordships not have the least cognizance of it? Is it to be supposed, we are not equally zealous for the success of the present war? Equally desirous of supporting his majesty in the just prosecution of it? Or is our concurrence upon all occasions thought a thing so sure, so certain, that the usual forms of consulting us are to be thus thrown aside? Are we then fallen so low, have we so long flattered a minister, that he can promise himself our easy compliance, though he refuse us the common civility due to us, and, answering for our conduct, advise his majesty to apply to the Commons, as the only part of parliament that has any thing left in its disposal? The time has been, my lords, that the crown with honour and success has consulted this House; and sure I am, that I have many lords now in my eye, capable of giving such advice to his majesty, as would tend to the glory of his reign, and the welfare of his people.

I am sorry, my lords, I cannot charitably suppose, that this contempt of us proceeded from a mistake and oversight of the ministry's. As the House of Commons has been the chief place of business this session, it is possible your lordships

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who have spoken inherit the temper of their ancestors as well as their merit in other respects. I consider it as my particular duty to be concerned for the preservation of every privilege of this House. If there were any wrong clause in a money bill, we should reject the whole and let the Commons bring in another. There are Messages, 1. For advice; 2. Relating to the authority or privileges of either House; 3. About matters not appropriated to one House, but at present under its consideration. The first sort should he sent to both Houses. The second to the House concerned. So in the case of the Peerage Bill, a Message was sent to this House only, though it came by way of Bill. And so it should be in any case of judicature. The Message under consideration is of the third kind. Some message of this kind might have been sent to this House. A committee might be appointed to search your lordships Journals upon this subject if this question passed. Lords might differ about the sense of this question. This is a reason for the previous question. It is dangerous now to make a difference about money. A dispute between the Houses happened in 1671. The Lords amended a bill for money. The debate ran a whole year. The king prorogued them for a year, and then for ten months more. A small proportion of this time would be of consequence in the present case.

Aylesford. If this be no new supply, what occasion was there for a Message to the Commons?

Carteret. I am surprized to find the merits of the case questioned. To say that the Commons may take it ill is cutting up this House by the roots. The service must either be mentioned to this House, or else all may be done by the crown and the Commons. The House of Lords were in the right in 1671. They have exercised that right since, and the Commons have acquiesced since the Revolution. And in 1697, the Commons declared they would confer with the Lords no more about money. Read but the Acts of Parliament which the Speaker says come from the Commons, and you will see they are by the advice and consent of this House. A Message to the Commons is enough for things that may come in separate bills, but not when faggotted. If the words *certain measures* had been left out, the Message would have stood clear. After a battle in Spain that was lost, queen Anne sent to both Houses to enable her to repair the loss. Money may be the consequence of every Message. The message that was sent about the Peerage Bill needed not have been sent. If that Bill had passed, this House would have appeared with greater lustre, than it hath done. It was intended to prevent inconveniences from Scotland.

Carried, that the Question should not be put.

The bishop of Oxford did not vote. Lord Stanhope voted against putting the Question.

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may be as much out of some people's thoughts, as the Convocation is, but hardly, I believe, out of a minister's. Some little circumstances or other are perpetually reminding him of us. Besides, my lords, this is not the first indignity of the kind that has been offered us: in the year 1726, the same thing happened; and in a Message from his majesty to the Commons (probably penned by the same hand as this) the appellation of parliament was given them, as if the parliament of England were composed of their body only*. I must, therefore, consider the present case as a repeated invasion of the privileges of this House, highly reflecting upon the dignity of every peer who has a seat in it. Why this has been thought a proper time for such an attack, I know not, unless it be supposed, that the essence of a parliament is lost. Was this the case, my lords, (which God forbid!) we should do right, however, to keep up the forms and customs of it, and maintain at least the appearance of what our ancestors enjoyed. If there are any such reflecting suppositions as these, if there are any such as flatter themselves, that a successful corruption has banished the freedom of parliament, it is our duty, my lords, to blast such hopes, and shew we are not yet such humble dependants upon power, as tamely to offer a sacrifice of our rights, whenever a minister pleases to call for them. What a melancholy prospect should we lay before the eyes of our countrymen, whose expiring liberties call loudly for our aid, if we, the guardians of their rights, were no longer to be protectors of our own!

Who, my lords, could have been the author of this Message, I own I am at a loss to say: it could not have been his majesty's: his royal favours to so many of your lordships, is a sure proof of his tender regard to the honour and dignity of this House: it could not have been dictated by any of the lords of his majesty's privy council: they never would have advised to so great an infringement of their own privileges: nay, they could not even have had cognizance of it: if they had, they would have prevented it. Whosoever's work it was, thus far I will venture to say, my lords, that it was formed upon that fatal, yet favourite plan of lessening the credit of parliament. For this dreadful purpose, is it not enough, that every office, and honour in the church and state pass through the hands of one man? is it not enough, that he has it in his power to put virtue to the test, by privately applying that temptation, which he thinks is most likely to succeed? Must also a general assault be given to the whole body of us; and shall the dignity and honour of this House be treated as cavalierly as the miserable character of any single dependant?

To avoid the odium and reproach such an invasion of our privileges must naturally incur, it has been artfully insinuated, my lords, that this is matter of dispute between the Commons and us, so that, under the pretence of asserting the rights of one House of Parliament, the rights of the other may the more easily be violated. My Lords, this is no matter of dispute between the Commons and your lordships: we ask nothing new, nothing unprecedented: We do not attack any of their privileges; we only desire to remain in the possession of our own: our utmost ambition in the present case is, to be looked upon as a House of Parliament, and consulted by his majesty as such. When our rights are thus plain and indubitable, our case becomes national, and the Commons themselves are interested in the support of it: whenever the dignity and authority of this House is brought low, their rights and privileges will not be of long duration; and whenever any impious hand dare impose shackles upon us, the same fate will be prepared for every other part of the legislature. From such a calamity the uninfluenced spirit of liberty that reigns in this House, the independent sentiments of your lordships, which neither interest nor power can wean from your country's cause, will, no doubt, sufficiently protect the present age; but we may lay foundations for the future dishonour of this House, if we let pass unregarded such dangerous precedents, as I apprehended this of his majesty's demand of Supply to the House of Commons singly. I must, therefore, humbly move your lordships, that you would come to this Resolution. "That it is contrary to the usage of parliament, and derogatory to the privileges of this House, that a Message signed by the king, asking a further Supply to enable his majesty to carry on a war, should be sent to the House of Commons singly, without taking any notice of this House."

Lord *Delawar*:

My lords; I shall always be as jealous

* See Vol. 8, p. 518.

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of the honour and of the rights and privileges of this House, as any lord in it; and shall be as ready to resent any indignity that may be put upon it. But, my lords, we can put no greater indignity upon ourselves, than that of being jealous without cause, or resenting without reason. In common life, a man that is unreasonably suspicious, and apt to take every thing as an affront, is always uneasy in himself, and generally despised by others. It will be the same with your lordships: if you should suppose you are affronted, when no affront is designed, or insist upon rights that do not properly belong to you, it will be the most effectual method you can take, for lessening or annihilating that respect which is due to you, as the highest and most august assembly in the nation. It is not by jealousies and suspicions, or by menacing resolutions, that we are to preserve that character, which this House has for so many ages deservedly borne, but by a prudent and steady conduct, and by shewing, that in all our proceedings we have sincerely at heart the honour of the crown, the privileges of the subject, and the happiness of the nation.

I am not only surprized, but sorry, that any lord in this House should imagine, that his majesty, or any one that advised him, intended to put an affront upon this House, by sending to the Commons the Message which the noble lord has been pleased to mention, without sending at the same time the like message to this House. I am convinced, there was no affront designed, and I cannot see the least shadow of reason why any lord should imagine there was. So far otherwise, my lords, I must think it would have been extremely improper to have sent any such message to this House, because it relates to nothing but the Supplies for the service of the ensuing year. It is the business of the other House to grant the necessary supplies, it is from the other House that such supplies are asked by the crown, and therefore, it is to the other House, and, I think, to it alone, that application ought to be made for any additional supply.

In all the speeches that have been made from the throne for many years past, your lordships may observe, that our sovereign has always addressed himself particularly to the gentlemen of the House of Commons, when he mentioned the Supplies necessary for the current service. In that speech which his present majesty made at the opening of this session, he addresses himself particularly to the gentlemen of the House of Commons, and tells them, that he has ordered the Estimates to be laid before them, and that he hopes they will grant such effectual Supplies as may enable him to carry on the war with vigour. Was that particular address to the other House then found fault with? Was it ever found fault with? And yet, I must be of opinion, that we have as much reason, or rather more, to find fault with his majesty's addressing himself upon that occasion to the Commons singly, as we can have, to find fault with his having sent this message to that House singly.

Our concurrence, it is true, my lords, is necessary for every article of supply that can be granted by the other House; but that concurrence has always been expected without being asked by the crown. Why therefore should we look upon its not having been asked by the crown upon this occasion, as a neglect, or as any sign of disrespect? Nay, if your lordships will but consider the words of the message, you must see, that his majesty could not send it to this House. In that message his majesty acquaints his Commons, that he has under his consideration, certain measures which would occasion some extraordinary expences, not comprehended in the estimates laid before that House: Could his majesty have expressed himself so to this House? Have we any estimates before us, or was it ever customary to lay any such estimates before us? The message therefore, if it had been sent to this House, must have been altered some way or another; and, I confess, I am at a loss to conceive, how it could have been altered, so as to make it proper for being sent to this House, without inserting some words that might have created a jealousy in the other; and this jealousy might, perhaps, have bred a contention between the two Houses, that would have been of the most dangerous consequence in the present conjuncture.

This, my lords, is no groundless insinuation or pretence, in order to excuse the not sending that message to this House as well as the other. The sole right of granting supplies is a right which the other House has always most strenuously asserted, and we as pertinaciously refused to admit. It is a dispute that has occasioned great heats between the two Houses as often as it has been revived, and has sometimes put a full stop to all public business. How fatal this might be in our pre-

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sent circumstances, I must beg your lordships to consider. We are now, my lords, engaged in a dangerous war for vindicating the rights and privileges of the nation; and therefore, I must beg that every lord who has a concern for our success, would take care to avoid every thing that may give rise to a contest about particular rights and privileges amongst ourselves. This, I dread, may be the fate of the present question. If we should agree to it, I am afraid, it will be considered as a claim set up by us, that no article of supply ought to be demanded of the Commons without demanding it at the same time of us. This I must look upon as a new claim: it is a claim for which we have no precedent; and it is a claim that will, I fear, create a misunderstanding between us and the Commons.

Lord *Talbot*:

When I consider you, my lords, as the supreme council of the crown, and in a yet higher light, as the hereditary guardians of the liberties of a free, brave and once flourishing people, I am struck with such reverential respect, such awful veneration, that I can scarcely give utterance to my thoughts in this august assembly. But when I reflect upon the insults offered to your dignity, the contempt shewn to your authority, that reverence, that veneration hath a contrary effect upon my mind: zeal for your rights, zeal for the interest of my country, inflames my breast, and drives from thence every selfish consideration: I am impatient to vindicate your honour, and eager to violate that silence prudence would always direct me to observe. When I read the printed Votes, by which you were informed of the transaction that gave rise to the important business of this day, I read them with concern, with astonishment, with indignation. I endeavoured to discover what could have occasioned this neglect from his majesty, this affront from his administration. I thoroughly examined the late conduct of the majority of your lordships, and found nothing that could incur the displeasure of those in power. Whatever measure they have condescended to communicate to your lordships, hath always obtained your approbation; and, in regard to public œconomy, to which the message taken notice of is chiefly relative, though it is far from my intention to flatter you, I must say, you have never shewn a disposition so niggardly, as to oppose a single scheme of ministerial generosity. On the contrary, my lords, you have given indisputable proofs of your contempt for sordid national frugality; you have behaved as if you were persuaded, the kingdom abounded as much in wealth, as the heads of those, who have, in some former times, had the management of affairs, were fertile in projects to squander and consume it: nor do you entertain such a belief without substantial cause; for it would be absurd to imagine 200,000*l.* could be annually distributed among a part of your lordships, by a nation which doth not enjoy the utmost affluence. But merit in every way deserves a suitable reward; and though a hundred lucrative employments are possessed by members of this august assembly, the duty expected from them is so exactly observed, that the greatest part is enjoyed with unenvied reputation.

The Commons have gone great lengths in excluding your lordships from any authority to alter Money bills, though no aid can be granted, no taxes imposed, without your consent. They are very expert in explaining, and assiduous in contriving precedents to support this unreasonable infringement of your privileges; and, in this point, every relaxation of your own, is a confirmation of their power. But, my lords, what you have hitherto scorned verbally to admit, I hope you will disdain virtually to allow. The whole nation is concerned in your supporting your constitutional rights; for though some short-sighted politicians may imagine, by lessening you, the Commons will be aggrandized, in fact it will be found, that every attempt to render you insignificant, will be a step towards making the crown absolute.

The other House hath been under the controul of one of its own members: may it never again be in the like abject state! But should that vile, detestable, seductive art, corruption, ever insinuate itself into that assembly, the effects may be as fatal, though the means more contemptible, than the hypocrisy, sagacity, and intrepidity of Cromwell. If a majority in that House, instead of being really the representatives of the nation, should be elected by not more than 50,000, out of ten million of people, and these 50,000 the dregs of the populace: if a minister, by the assistance of a venal crew, the direct representatives of their infamous constituents, should be secure of carrying every point, according to his own inclination: if by them he shall be able to frustrate every inquiry into public measures: if any motion

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to prevent a mercenary contagion from extending its baneful influence over those entrusted with the liberties of their country, shall be insolently rejected: if a law in the statute books for that salutary purpose shall be notoriously violated, and explained contrary both to the spirit and letter of such a law; what will be the fate of this unhappy nation, if your lordships are not then in a condition to protect your country? The motion is so moderate,—a mere assertion of indubitable rights, that I think, no method of evading it ought to be used. Indeed, if strength of argument, enlivened by all the force of eloquence, and truth delivered with dignity, because dictated by a heart whose predominant passion is the public welfare, can have any weight here, the fate of the noble lord's motion may be safely rested upon what he hath so fully, so honestly urged in support of it.

The *Lord Chancellor:*

Before we can with any propriety enter seriously into the debate, it is necessary we should well understand the nature of the question before us. I shall not, therefore, at present trouble you with entering into the merits, I shall only take the liberty to state the question, according as it appears to me. His majesty, in his Speech from the throne, at the opening of the session, demanded of the other House a supply for the service of the ensuing year, and told them he would order estimates of the particular services to be laid before them. Those estimates were accordingly laid before them; but then, as we are now engaged in a war, and as his majesty, it seems, is resolved to undertake, if possible, some secret expeditions against the enemy, an account of which neither can nor ought to be made public, a greater supply will be necessary than can appear by the estimates laid before the other House, and this his majesty thought himself obliged to acquaint them of; because, otherwise, he could not have expected any greater supply than appeared necessary by the estimates he had ordered to be laid before them, and consequently he could not have undertaken any secret expedition against the enemy, however probable the success might have appeared, or however expedient future accidents or circumstances might have rendered it for him to engage in such a one. The Message, therefore, I can look upon in no other light, than as a Message to the other House, to acquaint them, that some expences would be necessary, of which no estimate could be made; and in this light I must look upon it as a sort of estimate, and must think, that your lordships have as much reason to complain, that all the estimates for the particular services of the ensuing year, were not communicated to you, as well as to the other House, as you have to complain, that this estimate was not communicated to you at the same time it was sent to the Commons.

Lord *Carteret:*

My lords; I am surprised to hear the noble lord that spoke last, state the case as he has done. It is not possible to look upon this Message in any light that can make it bear the least resemblance to an estimate. It is a message for a new supply; a supply arising from new measures, which were not so much as hinted at in his majesty's speech from the throne. Let us, my lords, but consider the words of his majesty's speech, and we must conclude, that the message now under our consideration, can have no relation to any supply thereby demanded. His majesty, when he addresses himself to the Commons, tells them, that he has ordered estimates for the service of the ensuing year, and likewise accounts of the extraordinary expences of the current year, as also an estimate of the charge of raising a body of marines, to be laid before them; and then he says, he cannot doubt but they will grant such effectual supplies, as may enable him to carry on the war with vigour. Can the word, supplies, here relate to any thing, but the estimates and accounts, which his majesty had ordered to be laid before them? Can any one suppose, his majesty meant, that it should relate to a charge of which no estimate or account could be laid before them? Or, could any lord in this House suppose, from what his majesty there said, that any measures were to be undertaken, which were not to be mentioned in any of the estimates? If any such measures were then thought on, they ought to have been mentioned in his majesty's speech from the throne: if they have since fallen under consideration, his majesty should have been advised to have come again to the House, and acquainted us of it by a new speech, or at least he should have been advised to have communicated it to both Houses by message. If his majesty had, by either of these methods, told us, that he had under his consideration such measures as would require

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an additional expence, but could not be communicated, I am sure I should not, I believe no lord in this House would have desired a discovery.

It is the business of the other House, my lords, to consider and determine, what supplies may be necessary for the public service: it is their business to consider and determine, what ways and means may be most proper for raising those supplies; and we are to give our concurrence, if we think they are in the right. But as to the measures or services which make those supplies necessary, it is our business to consider and determine, whether or no they are proper: it is this House that his majesty ought chiefly to consult upon such occasions: therefore no supplies ought to be either asked or granted, till the measures or services have been communicated, or at least mentioned to this House, either by speech or message; and as from the very words of the message, it appears to be a message for a new supply, which is to be applied to services or measures, that were never before so much as hinted to this House, it ought for this reason to have been communicated to this House, to the end that we might have had some opportunity of approving or disapproving of the measures; and, at the same time, it ought to have been communicated to the other House, to the end that they might have provided the supplies necessary for carrying on those measures.

The Earl of *Cholmondeley*:

My lords, however proper or necessary the motion now under our consideration may be, I wish that noble lords would, when they make any motion, keep close to the argument, and avoid launching out into personal invectives. The introductory speeches that have been made in favour of this motion, looked, in my opinion, more like an introduction to an impeachment, than an introduction to a motion for vindicating the privileges of this House. If our liberties are expiring, my lords, or if any attack has been lately made upon them, why does not some one of the noble lords that think so, stand up in his place, and impeach those who are carrying on, or contriving any such attack? It is what every lord has a right to do; It is what every lord ought to do. Instead of bewailing upon every occasion the danger our liberties and constitution are exposed to, by secret machinations or fraudulent practices, they ought to explain those machinations and practices to the House, and they ought to conclude with an impeachment in form against the persons they suppose to be the authors of such wicked and dangerous designs.—I hope, my lords, I have as great a concern for the liberties of the nation, and for the rights and privileges of this House, as any lord that has the honour of having a seat in this august assembly: if I thought that any attack had been made upon either, no lord should be more ready than I, to concur in measures for bringing the guilty authors and abettors to condign punishment. But I do not think, that the least attack has been lately made upon either; and in the present case, I do not think it can be supposed, there was any design of attacking the rights and privileges of this House. His majesty, in his speech from the throne, desired such supplies as might be effectual for enabling him to carry on the war with vigour; and if any one of those supplies be of such a nature, as not to admit of an estimate, can we suppose, that his not acquainting us of this, was designed as a violation of any of the privileges of this House? It is well known to every lord here, that no estimate is ever laid before us. We generally agree, or we may disagree, to the supplies granted by the other House, without seeing any estimate. Whereas in the other House, a particular estimate for each particular service is always laid before them, and they never grant a larger sum for any particular service, than appears from the particular estimate to be necessary; nor do they grant any sum for any particular service, without having an estimate for that particular service previously laid before them. Therefore, when a service was to be incurred, for which no particular estimate could be made, it was necessary for his majesty to tell them so; but in my opinion, it would have been both improper, and contrary to the usage of parliament, to have said any thing of it to this House in his majesty's speech, and much more so, to have acquainted us of it by a particular Message. It would very probably have given the alarm to the other House, as if his majesty designed, that we should interfere with them in granting the necessary supplies; and therefore, I think, his majesty's not communicating this Message to us, was so far from being any sign of disrespect towards us, that it was a new testimony of his wisdom, and of the great regard he has to the usage of parliament, and to the peace and happiness of his people.—But,

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suppose, my lords, I were of opinion, that this Message ought to have been communicated to this House at the same time it was communicated to the other; yet, as I am fully satisfied, that no affront was intended to be put upon us, by not sending this or some such message to us, at the same time it was sent to the other House, I could not, in our present circumstances, concur with the motion now before you; because I should be afraid, that our coming to such a resolution might interrupt that unanimity, which is so necessary for bringing the war we are now engaged in, to a happy and speedy issue; and when the noble lord considers this, I hope he will not insist upon having this motion put to the question.

Lord *Onslow:*

My lords; I cannot pretend to be so nice a judge of the rights and privileges of this House, as some of your lordships may be; but I cannot think, that an application to the other House singly, in any matter that relates to the supply, is such a direct and open violation of the rights and privileges of this House as ought to prevail with us, to come to a resolution that may raise heats and animosities about particular rights and privileges amongst ourselves, when the rights and privileges of the whole nation are in so much danger. I am persuaded, an account of this motion will be looked on as very good news by the late duke of Ormond at the head of his rebel army in Spain. From the very motion itself, I believe, both he and the court of Spain will conceive hopes of success in their intended invasion; and if they conceive such hopes for the motion, what will they not expect should they hear of its being agreed to? I am for doing nothing that may give them the least encouragement to attempt an invasion upon this nation, and therefore I shall be against agreeing to the resolution proposed.

Lord *Delawar:*

My lords; I was in some hopes the noble lord would have been prevailed on to have stood up and waved his motion; but as the question seems to be insisted on, and as some lords may be under difficulties with regard to a negative's being put upon such a motion, and yet may be convinced, that the present is a very improper time for our coming to such a resolution, therefore I shall beg leave to move, That the previous question may be put.

Lord *Carteret:*

My lords; upon such a motion as this, I am extremely surprized to hear any of your lordships move for the previous question. The previous question, my lords, may in many cases be right, but surely it cannot be so in this. When a motion is made, which appears to be in itself right, but which is neither necessary nor proper to be put to the question at that time, the previous question may then properly be moved for, and it is prudent to make use of it for waving a question, which does not then necessarily require an affirmative, and which cannot, in its own nature, admit of a negative. But can the question now before you be said to be of such a nature? My lords, if it cannot admit of a negative, it necessarily and immediately requires an affirmative. It is a question that affects the honour of this House, and consequently the honour of every lord in it. If the honour of this House has been attacked by sending such a message to the House of Commons singly, which the previous question supposes, will any of your lordships say, that we ought not immediately to vindicate our own honour, at least by such a resolution as my noble friend has been pleased to propose? Can our agreeing to such a resolution be attended with bad consequences at this time, any more than at another? My lords, it can be attended with no bad consequences either to the nation in general, or to any particular man. It is so prudently drawn up, that it can affect no person in the kingdom: but if such a thing could be supposed, shall we allow the safety of any subject whatever to stand in competition with the honour and dignity of this House?

We may talk of impeachments, my lords, and of the right that every lord in this House has, to stand up in his place, and impeach whomsoever he supposes to be guilty; but if it should appear, which I hope, it never shall, that the majority of your lordships have a greater regard for the safety of any particular subject, than for your own honour, or the honour of this assembly, I am sure it would be an imprudent and very ridiculous step in any lord, to rise up and impeach that person before this assembly, even though he could bring evident proofs of his being guilty of the most heinous

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crimes and misdemeanors. In all cases of impeachment, there are several preparatory steps or motions necessary, before any lord can directly impeach; and when such preparatory motions are disagreed to by the House, it becomes impracticable for any lord to proceed to an impeachment. In the present case, if what is now complained of, were of such a heinous nature, as to deserve an impeachment, the first preparatory step would be some such motion as this, and the next would be a motion for addressing his majesty, to know who had advised him; both which motions must be agreed to, and an answer returned from his majesty, before any lord could stand up in his place, and impeach the person who gave the advice. But at present there is no such design: if there were, the motion would have been drawn up in much stronger terms. We may see, from the terms in which it is drawn up, that the noble lord has no other design, than to vindicate the rights and privileges of this House; and for this purpose, his motion will have a good effect, whatever may be its fate. Even though our agreeing to it should at this time be prevented by the previous question, yet the very motion will, I hope, prevent any minister's daring to shew such a contempt of this House for the future.

This, I hope, my lords, will be the consequence of the motion, even though you should put the previous question upon it; but if that question should pass in the negative, I must beg your lordships to consider what effect it may have with regard to your characters. By putting the previous question, you admit, that the motion is in itself right: what reason then can be assigned for your not agreeing to it? None but the regard you have for those who have, at present, the honour to be his majesty's counsellors and advisers; and will not the censorious world from thence conclude, that you have a greater regard for them, than you have for your own honour or reputation? Therefore, if the previous question should be put, as it must be, if insisted on, I hope every lord that thinks the honour of this House is not in the least affected, by the sending of this message to the other House without taking any notice of this, as well as every lord, who thinks otherwise, will give his affirmative upon the previous question, in order that the principal question may be put; for those who think the honour of this House not in the least affected, ought to be for having a negative put upon the principal question, in order to vindicate their own characters; and those who think otherwise, ought to insist upon having the principal question immediately agreed to, in order to vindicate the honour of this assembly. In a case of honour, my lords, there is no doubt to be admitted of; for no man can have a true regard to his honour, that does not immediately endeavour to vindicate it, in every case where there is the least suspicion of its being attacked.

But, my lords, can any one of your lordships doubt of the affront that has been put upon this House, in not communicating to us a measure in which the nation is so much concerned? Are we to agree to the supplies voted by the other House, without knowing any one reason for our so doing? The other House will probably, I hope they will, grant a supply for the measures now under his majesty's consideration; but how are we to know that there are any such measures under his consideration? Are we to take an information, with regard to his majesty's intentions, from the Commons? God forbid, my lords, that ever any of your lordships should entertain so mean a thought. What can we think then of this neglect? Must we not think, that we are forgotten by his majesty, or, at least, by those who have the honour to advise him? And, if this House should once come to be forgotten by the crown, it will be forgotten by every man in the kingdom. It will be deserted even by those who then have the honour, I may say the misfortune of being members. It will then be attended only by three or four court lords, and perhaps half a dozen or a dozen of prelates; and, if this should ever come to be the case, we may easily judge what weight or authority it will have among the people.

For this reason, my lords, I think we are infinitely obliged to the noble young lords that made and seconded this motion; and, if they have expressed themselves a little warmly, they ought to be applauded. It is natural for a young gentleman of any spirit to grow warm, when he thinks his honour in the least degree attacked. My lords, it is with pleasure I perceive a spirit of virtue and liberty beginning to prevail among the young lords of this House. Their example will, I hope, be followed by all the youth of the nation; and therefore, I must look upon them as the best securities we can have for the preservation

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and improvement of our own constitution. Old men may, perhaps, be a little too passive: they may sit still under an encroachment, rather than expose themselves to the danger and fatigue of opposing it; and thus, by suffering encroachment after encroachment, the constitution may be undone: but, when the youth of a free nation are indued with a true spirit of virtue and honour, they will take fire upon the first encroachment: they will bear any fatigue, they will expose themselves to any danger, rather than allow the first to go unpunished, or at least unresented; and thus, by opposing the first, they will prevent a second.

It is needless, my lords, to ask a precedent for our complaining of the message now under our consideration. It is hardly possible there should be any one directly in point. There never was such a message sent to both, or either House of Parliament, before the year 1717. But, I must observe, that this is not the first affront that has of late been attempted to be put upon this House. In the year 1726, his late majesty was advised, in a message then sent, to call the other House the Parliament, as if this House had been no branch of the legislature. This was then properly resented: those who advised it, were obliged to own it was a mistake; and it was, almost with tears in their eyes, they prevented a farther resentment. This is a precedent for our complaining when any neglect seems to be shewn us by the crown. The two cases, I shall grant, are far from being parallel; for the present case is as much stronger than the former, as facts are stronger than words. In the former case, the other House was, in words only, called the parliament; but in the present, they are, in fact, treated as such. They have been singly consulted in a point of the greatest importance and concern to the public, as if we, of this House, had no share in the legislature or government of our country. Therefore, if we had then reason to complain, as the majority of this House, at that time, thought we had, the reason we now have, is more cogent, and ought to be more prevailing.

Our sovereign's addressing himself, in his Speech, to the other House particularly, when he mentions the necessary supplies, can afford no pretence or excuse for the neglect now shewn to this. In every speech from the throne, the first part of it is addressed to both Houses; and, in that, the measures or services which make the supplies necessary, are mentioned: being thus informed of the services, we may judge of them, and may declare against them, if we think them improper or inconsistent with the public good. But with regard to the services or measures mentioned in this message, we have had no information of them, in a parliamentary way, and therefore can no way judge of them, or give his majesty any advice concerning them. If his majesty had been so good as to let us know, that he has certain measures under his consideration, which will occasion some extraordinary expence, not comprehended in the estimates laid before the other House, I should certainly have approved, without enquiring what the measures were, and should have been ready to have concurred in granting a supply sufficient for carrying them into execution, because, I believe, they are right, and such as may contribute to our success in the present war. But, if I had thought otherwise, if I had thought that his majesty had been advised to send the fleets and armies of this kingdom upon some romantic expedition, I would have been so far from approving, that I should probably have moved for an address, in order to give his majesty proper advice upon the occasion; and, if the other House had granted a supply for the carrying on of such measures, I should have refused giving it my concurrence in this House. Whereas, in the present case, I can neither approve nor disapprove of the measures; and, if the grant of a supply for carrying on measures I know nothing of in a parliamentary way, should come up from the other House, I am sure, I shall think myself bound in duty to my king and country, as well as for the sake of the honour of this House, to oppose as much as I can our giving our concurrence to such a grant.

It is true, my Lords, the Estimates for the particular services are not laid before this House; but I hope no lord imagines, that it is because we have not a right to examine into the supplies granted by the other House for answering those services. We may not only examine into them, but we may prevent their having any effect, by refusing our concurrence: we ought to do so, when we know nothing in a parliamentary way, of the services for which they were granted; and though the estimates for the particular services are not usually laid before us, yet our sovereign, in his speech from the throne, at the opening of

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the session, either does, or ought to communicate to us, in general terms, the services for which the supplies are to be granted, and in our presence acquaints the other House, that he has ordered the particular estimates and accounts to be laid before them. Nay, even as to those estimates and accounts, we may, if we please, call for them, and may examine particularly into every one of them: it would be our duty to do so, if we should have the least suspicion, that any one of them were false, or over-charged.

From what I have said, my Lords, I hope, it will appear that those who advised his majesty to send a message to the other House, relating to public measures to be undertaken, without taking any notice of this House, have been guilty of a violation of our rights and privileges, as one, and I hope I may yet say, the superior House of Parliament; and this violation, it is the more necessary for us to take notice of, because it is a violation of those parliamentary forms of proceeding, which, by our constitution, it has always been thought necessary to observe. Such a violation, my lords, gives me a most melancholy consideration: because the substance of a constitution of government must be gone, before any one will dare to attack the forms. Even in the most absolute governments that have been established upon the ruins of liberty, the forms of their ancient constitution have been preserved. The Romans retained their senate and their popular magistrates, even under their most arbitrary and tyrannical emperors; and the consent of that senate seemed to be asked to every public act; the election of their consuls, their tribunes, and several other magistrates, seemed to be left to the free choice of the people; but every one knows, that their senates always approved what the tyrant's chief minister dictated, and the people always chose for their magistrates, the persons that were nominated by him; so that in effect the government was as absolute, and much more tyrannical, than it could have been, had they had no appearance of a senate, or of any popular magistrate. In France likewise, the forms of their ancient free constitution are still preserved. The parliament of Paris still registers the king's edicts; but that parliament has not now the liberty to refuse. So in this House, we may be allowed to approve of those measures, which our sovereign and his ministers have before resolved on; and this form, or rather farce of having our approbation, may be continued for many years after our liberty or power of refusing it is taken away. I hope the ceremony of having our approbation is not as yet become a mere piece of form, or a mere farce; but from the treatment now complained of, I must suppose, that those who advised his majesty to treat us in such a manner, are of opinion, that even this farce is now become unnecessary, for, it seems, they do not think our approbation to their measures so much as worth asking.

My Lords, the constitution of our government, according to its ancient form, is the most perfect, I believe, that was ever established; and therefore we certainly will, as long as we have any honour or public spirit left, endeavour to preserve it. A very great historian and politician has long ago said, that the best form of government is that which consists of a certain mixture of the three principal sorts of government; but such a form of government, says he, cannot possibly long endure. We in this kingdom have fallen upon that mixture, which he recommends; and thank God, we have hitherto defeated his prophecy. Our ancestors have preserved that mixture for many ages, often at the risk of their lives and fortunes; God forbid! my lords, it should perish in our hands. But if we should once allow any minister to tread under foot, or in the least despise the rights and privileges of this House, or to advise our sovereign to do so, the dignity of the peerage will evanish, and if the dignity of the peerage should evanish, the dignity of the crown itself will be gone; for the dignity of our sovereign consists in his being sovereign lord of a free people, and a great number of considerable and independent lords. Our constitution will soon deviate into a democracy, which will of course soon come under the absolute rule of one, perhaps, one of the lowest rank among them. This has been already once our fate, and this may probably be again our fate, if we should ever bring ourselves into public contempt, by allowing a daring and usurping minister to trample upon our rights and privileges. To prevent this for the future, is the only intention of the present motion; and therefore, I hope, every lord that thinks there is the least cause to suppose, that our honour has been attacked by the late neglect that has been shewn us, will give his affirmative to the principal question; for I cannot think the noble lord

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will insist upon the previous question, because I have shewn, that every lord in this House, let his opinion be what it will, ought to be for having the principal question immediately determined.

The Duke of *Newcastle:*

My lords; with regard to the motion now under your lordships' consideration, the previous question I think is right, and for this very reason, because the principal question is not right. There are many questions, which ought to have a negative put upon them, whereof I think this is one, and yet there may be danger in attempting to put that negative; because, if the principal question should be put, what by the ill grounded prejudices of some, and the unreasonable difficulties of other, it may be carried in the affirmative, very much to the detriment or danger of the commonwealth.

The present question, my Lords, is, I say, in my opinion, a question of this nature: if it were to be put, I should be under no difficulty in giving my negative to it, because, I think, the sending of this message to the other House singly, was neither contrary to the customs of parliament, nor any way derogatory to the rights or privileges of this House. His majesty, in his speech from the throne, acquainted us of the just and necessary war he was engaged in, and in our presence demanded of the other House such effectual supplies, as might enable him to carry on the war with vigour. In our presence he told the other House, that he had ordered the estimates, for the service of the ensuing year, to be laid before them; but could any lord of this House, or any member of the other, then imagine, that estimates could be made of all the services that in time of war might become necessary? We all know, my Lords, that in time of war, the most effectual measures for carrying it on with success, are generally such as ought to be kept secret, till the very moment of execution. The preparations for the execution of such measures must be attended with an extraordinary expence, and it is impossible to lay any estimate of that expence before either House of Parliament, without divulging those measures which are to be carried on. Therefore, I think, from his majesty's speech itself, we could not but expect, that, besides the estimates usually laid before the other House, and which might be laid before them without divulging those measures that ought to be kept secret, I say, we could not but from thence expect, that some certain sum would be demanded for the carrying on of measures, that neither could, nor ought to be communicated; and the ascertaining of that sum may, I think, properly be called the estimate for those services or measures; so that the message complained of, I must look upon as an additional estimate, or as an extension of the estimates previously laid before that House; and I do not think it is contrary to the customs of parliament, or derogatory to the privileges of this House, in his majesty, to lay, or to order to be laid, any sort of estimate before the other House, without ordering it at the same time to be laid before this.

From the journals of parliament, my Lords, it will appear, that during the war with France in queen Anne's reign, there were many such messages sent to the House of Commons only. Nay, during the whole war, it was in every session the custom, to enable her majesty to apply any part of the supplies granted in that session to secret, or not then thought of, services. And so far was this House at that time from imagining, they were to be consulted with respect to every warlike measure the crown might think proper to undertake, that those disappropriating clauses, as I may call them, were always agreed to without the least intimation from the crown, that any secret measures were then under consideration.

I shall grant, my Lords, that when his majesty is to ask the advice of his parliament, it is this House he ought principally to apply to. I shall likewise grant, that it is prudent in the crown to advise with its parliament in all cases of great importance, unless they be such as require great secresy. His present majesty has always done so; and has never, in the least, departed from that advice which has, from time to time, been given him by his parliament. But, I hope, no lord will say, that his majesty is never to make the least step, without first consulting his parliament; and, in cases which require secresy, it is impossible for him to have the advice of his parliament, because he cannot apply for it without divulging the secret. The measures he has now under consideration, and which will require some extraordinary expence, an estimate of which, or the amount of which, he has, according to custom, ordered to be laid before the other House, are measures which must be kept secret,

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and therefore they are such as he can have no advice about from his parliament. If he had, by mesage, applied for the advice of the other House about those, or about any measures, the noble lord would have been right in his motion. A message for advice sent singly to the other House would certainly have been derogatory to the privileges of this; but, his majesty neither asks, nor can ask any advice as to those measures, either of them or us. As the measures must be kept secret, it would, in my opinion, have been absurd to have sent any message relating to them, to this House. His majesty was obliged to tell the other House, that besides the estimates laid before them, some farther expence would be necessary for carrying on the war with vigour, of which no estimate could be laid before them, because the measures concerted for that purpose were such as could not be communicated. Such a message could not, I am sure, be properly sent to this House; and, I must desire the Lords to consider, how it would have sounded, to have desired our advice about measures, and at the same time to have told us, that those measures were such as could not be communicated to us. Therefore, I must think that the not sending of this message to us is so far from being derogatory to our privileges, that it would have been inconsistent with our dignity, to have sent it to us in the terms in which it was sent to the other House, or in any terms in which it could have been conceived.

Thus, my Lords, it appears, that his majesty could not say any thing to us in relation to those measures, which render this extraordinary supply necessary; and as to the supply itself, as well as the measures for which it is granted, we shall have an opportunity to give our consent to both, when the appropriation-clause comes to receive the concurrence of this House, which it must do, before it can be passed into a law. Therefore, there can, in my opinion, be no just reason for this complaint, and I am sure, there is no precedent for it. That in 1726, is far from being an authority for it. The other House singly was then called the parliament, which was certainly a mistake, and which might perhaps, have been of bad consequence to the honour and dignity of this House, if it had not been resented; but, in the message now under our consideration, the other House is neither called the parliament, nor treated as such: It is treated only as that House of parliament before which the estimates are usually laid, and in this, I think, no lord can say, there is any mistake or impropriety, nor can it, in my opinion, in the least affect either the honour and dignity, or the rights and privileges of this House.

For these reasons, my lords, I should be under no difficulty in giving my negative to the motion; but, as other lords may not be so fully convinced in this case as I am, and may therefore be unwilling to put a direct negative upon the motion, therefore, I think it the best way to put the previous question, and when that question is put, I shall most heartily give it my negative, in which, I hope, most of the lords that hear me will concur.

The Earl of *Chesterfield*:

My lords; I am surprized to hear the noble duke say, that this message ought to be considered as an estimate, or that it could not have been conceived in such terms, as to make it proper for being communicated to this House. Is there any word in the message, that can make it look like an estimate? Is there the least mention of any sum, either in general or particular? If his majesty, in his message to the other House, had said, that he had under his consideration certain measures, which would occasion an extraordinary expence of 2 or 300,000*l.* not comprehended in the estimates laid before them, there might then have been some reason to call it an estimate; though even in that case, it ought to have been communicated to this House, as well as the other. But in the words it is expressed, I think it impossible to find out a pretence for calling it an estimate, or any thing like an estimate; at least I must think, that those who have found out such a pretence, are mighty ingenious in contriving how to palliate or excuse an affront, that has been put upon this assembly; which is a sort of ingenuity that would not look very well in private life, whatever it may do in public. In private life, if a man should, without designing an affront, do or say any thing, or commit any mistake or oversight, that might look like putting an affront upon another, he would be in the right, should he use all his arts to explain and excuse himself; but if the person who received the affront, should make use of any art or ingenuity for palliating the affront put upon him, I should be apt to conclude, that such a person had not such a regard to his own honour, as he ought to have.

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I am, therefore, not a little surprized, to find among your lordships, so much art made use of upon this occasion, and such far-fetch'd glosses put upon this message, in order to palliate or excuse the neglect, or rather contempt, that has been shewn us. But, my lords, it is impossible, in my opinion, to find any excuse that can have the least weight, upon those, who have a true and a nice regard to the honour of this House. The message is plainly this, that his majesty has under his consideration, certain secret measures or designs for attacking or distressing the enemy, which will occasion an extraordinary expence, the particulars of which he cannot, for the sake of secresy, communicate, but desires the assistance of the other House, for enabling him to carry them on, in the most effectual manner. Is not this a communication of his majesty's designs, as far as they could be communicated? And ought not we to have had this communication made to us, as well as the other House? Or was it less necessary to ask our assistance, than to ask the assistance of the other House? No minister could think it was, but he who thinks himself so sure of our favours, that they are not worth asking. This, my lords, is treating us like the most common prostitute. We have from his majesty heard of augmentations of our forces by sea and land, we have heard of raising a body of marines: when the supplies granted by the other House for these purposes, shall come before us, we shall know what they are for; and I do not question, but your lordships will most readily give them your concurrence. But have we from his majesty heard any thing of certain secret measures now under his royal consideration? And if the other House should grant a supply for those measures, can we concur in granting such a supply, when we do not know, that there are any such measures. The appropriation-clause may inform us, that the Commons have granted a certain sum of money for the carrying on of certain secret, warlike measures, but it cannot inform us, that his majesty then has, or ever had such measures in view; for this is information we can take from none but his majesty himself, and without this information, we shall act inconsistently with the honour and dignity of this House, if we give our concurrence to a supply granted for such a purpose.

This, my lords, must shew how necessary it was for his majesty, to acquaint us by message with his having such measures under his consideration; and it was so easy to have formed a proper message for that purpose, that I am astonished to hear the possibility of it doubted of. Other lords may, perhaps, much better understand the method of drawing up a message from the crown to this House, because they have of late years had great practice in this way, more, I hope, than I shall ever have occasion for; but, in my opinion, even the message sent to the Commons would have required but very little alteration, in order to have made it a message proper to to be sent to this House. If the words, 'not comprehended in the estimates laid before this House,' had been left out, and the word, 'Lords,' put instead of the word, 'Commons,' I can see no reason, why it might not have been a message proper enough to have been sent to this House. We should then have had a proper information of his majesty's having such measures under his consideration; and we should have had an opportunity to approve of his majesty's care and concern for the success of the war, and, perhaps, to give him some general advice in relation to the measures proper to be pursued, in case we had thought it necessary. I hope the danger of our presuming to give our advice upon so important an occasion, was not the reason of his majesty's being advised not to let us know, that he had any measures for the prosecution of the war under his consideration: for I am sure, if it was, it ought to be resented in a much stronger manner, than the noble lord has by his motion proposed.

But, my lords, whatever was the reason for neglecting, or purposely avoiding to communicate his majesty's intentions to us, at the same time they were communicated to the other House, it must appear, from what I have said, to be a most notorious and unprecedented slight put upon this House. I shall not say, my lords, we were forgotten, or that any real injury has been done us. We were, I believe, remembered; but it was in order to put a designed affront upon us. We have not been injured, but we have been slighted, which is worse; because a slight proceeds always from contempt, whereas an injury proceeds often from fear. A powerful, warlike, and jealous people can never be slighted; but if their neighbours think them too powerful, they will, probably, take an opportunity, if they can lay hold of one, to do them a real injury, in order

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to diminish their power. It is the same with any assembly of men: they must be contemned, before they can be slighted; and if we submit tamely to the slight we have upon this occasion met with, we may assure ourselves of meeting very soon with a second from the same hand, and so with a third, a fourth, till at last we shall come to be contemned, slighted, and insulted by the whole world.

The noble lord was, therefore, much in the right to take notice of this slight, that has been put upon us, and to take notice of it in the most solemn manner. I hope the majority of your lordships, at least, will join with him upon this occasion. His youth can be no reason for preventing the oldest lord in this House from joining with him in such a just, such a necessary, and such a modest sort of resentment. It is not the first time a nation has been saved by the vigilance, the alacrity, and the courage of a young man of quality. Rome was saved by a very young lord, or patrician, when many of those that were much older than he, were like to have ruined their country by their despair. When I say this, my lords, every one must know, I mean the great Scipio, afterwards called Africanus, who, before he was 20 years of age, saved his country, by compelling those that were despairing, to take a solemn oath, that they should never leave nor forsake it. And if there be any amongst us, that despair of being able to preserve the dignity and authority of this House, I hope the example of the young lords that made and seconded this motion, will revive their drooping courage, and make them resolve never to forsake or give up those rights and privileges, for which their ancestors have so bravely fought, and so often bled.

But for God's sake, my lords, why should we be so shy of declaring our opinion upon this occasion? Many, I hope, the majority of the lords of this House, are of opinion, that the neglect lately shewn us, affects our honour in the most sensible part. Why should we refuse, or delay to reject or embrace this opinion? Let us peremptorily declare, whether it does, or does not. Suppose we should declare it does, by agreeing to the present motion, what prejudice can from thence ensue to the commonwealth? Such a resolution may, indeed, reflect a little upon the man, who was the occasion of this slight being put upon us. Who he may be, I cannot comprehend. Such a slight could not proceed from the crown itself, nor would it have been allowed, if the advice of any lord of this House had been asked. Yet there are several amongst us, who have the honour to be of his majesty's council; but I must suppose, that none of them were consulted upon the occasion. I am sorry they were not: I hope they do not often find themselves so much neglected. But let this resolution, if agreed to, reflect upon whom it will, it can do no hurt to the commonwealth, nor to any community or body of men in the kingdom. In the preservation of the rights and privileges of this House, every community, every body of men in the nation, have a concern. If ours should be brought into danger, the rights and privileges of no body of men, nor of any particular man in the British dominions, could be secure. Therefore, my lords, for our own sakes, for the sake of our fellow-subjects, for the sake of our king, for the sake of our country, we are obliged to be jealous of the rights and privileges of this House, and consequently, I think, we are obliged to agree immediately to this motion.

The *Lord Chancellor:*

My lords; as I have yet given you no other trouble in this debate, than merely to state the question under your consideration, I shall now give you my opinion upon it, which I shall do in as few words as possible. My lords, if I thought that any of our rights or privileges had been in the least violated, by not sending the message complained of, to this House, at the same time it was sent to the Commons, no one of your lordships could be more ready than I should be, to agree to this motion, or to any farther step that should be thought necessary for ascertaining and securing our rights and privileges in time to come; but, I am so far from thinking it a violation, or even a neglect of any of our rights and privileges, that I think it was absolutely unnecessary, and would have been very imprudent, to have sent any message to this House, upon the subject this message related to. We know how strenuously, and with what warmth, the other House have for many years asserted their having the sole right of granting supplies. We know what animosities and divisions have arisen between the two Houses, as often as any question has been started upon this subject, and every lord must with terror form in his mind an idea of the unhappy state of anarchy this nation

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would be thrown into, should a breach happen in our present circumstance between our two Houses of Parliament. This, I am convinced would have been the consequence, had his majesty sent to this House, a message of the same kind with that sent to the other. The Commons would have immediately taken the alarm, and would have said, that his majesty, by such a message, had in a manner directed us to interfere with, and encroach upon them in their sole right of granting supplies.

Thus I have shewn, my lords, that it would have been very imprudent in his majesty to have sent any message upon this occasion to us; and that none of our rights or privileges, or even the deference that is due to us, made the sending of such a message to this House necessary, I shall now endeavour to shew. My lords, there are three sorts of messages which are usually sent by the crown, to both or either House of Parliament. The first sort are such as usually are, and ought to be sent to both Houses: the second, such as are, and ought to be sent but to one House; and the third, such as ought to be sent to one or other of the two Houses, according to the nature of the business to which they relate. Of the first sort are all messages for advice, or for any new powers, especially in affairs that relate to the public in general; as to which we all know, that his present majesty has been very exact, and has never shewn the least sort of neglect to one or other of his Houses of Parliament. Of the second sort, are all messages that relate to the peerage, such as that in the year 1718, which was sent to this House only, and likewise all messages relating any way to judicature, which are to be sent to this House singly, without taking notice of the other, because the cognizance of all such affairs belongs solely to this House; and yet, if an act of parliament be necessary for introducing any new regulation, with respect to either of these cases, we must have the concurrence of the other House, before that regulation can be passed into a law. Of this second sort likewise are all messages relating singly to the business of supplies, which, in order to prevent a breach between the two Houses of Parliament, are now to be sent singly to the other House, without taking notice of this; and yet the grants of those supplies, that are made by the other House, before they can be rendered effectual by being passed into a law, must have the concurrence of this. And of the third sort, are all messages which are sent to either House of Parliament, relating to any one particular affair at that time under the consideration of that House.

Now, my lords, if we consider the message upon which the noble lord's motion is founded, and which he was pleased to read to you, we must conclude, that it is one of that sort of messages which are now to be sent singly to the other House, without taking notice of this; because it is a message that relates singly to the business of supplies. His majesty does not thereby desire the advice of parliament, nor does he desire any extraordinary power. The word measures are, indeed, mentioned, but they are such measures as neither are nor can be explained, therefore his majesty could neither desire nor expect the advice of either House of Parliament in relation to them: and as they are measures which his majesty, it seems, may undertake and carry on without any new powers, he had no occasion to ask for such, either from us or the Commons. He wants nothing but a supply of money for that purpose, and that the other House insists upon the sole privilege of granting; so that if his majesty had asked any such supply of us, they would certainly have looked upon it as an encroachment upon their privileges; and as this is a point we have never yet given up, it would of course have occasioned a breach between the two Houses. That this would have been the consequence, we may be convinced of, from the method in which this message was treated by the other House. Upon their receiving this message, they did not vote an address by way of answer to the crown, which is the usual method upon other occasions; but they immediately referred it to the committee of supply, and in that committee, I suppose, they have granted such a sum, as they thought sufficient for the purpose, and that sum will, in the Appropriation Bill, be appropriated to carry on such measures, as his majesty shall judge necessary in the further prosecution of the war. When this clause comes before us for our concurrence, we have no occasion to enquire, whether his majesty has any, or what measures under his consideration. From the nature of things we know, that in time of war, some measures may become necessary, which could neither be particularly communicated to, nor particularly provided for, by parliament, either because it was necessary to keep them se-

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cret, or because they were not then thought of; and therefore, we could not but expect, that some such grant would be made by the other House, and would be sent up for our concurrence. Nay, even from his majesty's speech we must have expected some such thing; for there, his majesty tells us, that the services will be various and extensive; from whence we could not but suppose, that particular estimates could not be made up for every service that might occur in the course of this ensuing year.

From what I have said, my lords, I hope it will appear, that the sending of this message to the Commons singly, without taking notice of this House, was no slight, nor an attack upon any of our rights or privileges, and that it would have been very imprudent in his majesty to have sent a message of this kind to us; and it will likewise, I hope, from thence appear, that it would not only be wrong, but very imprudent in us, to agree to the resolution proposed; for the same reasons that would have made it imprudent in his majesty to send any such message to us, must make it imprudent in us to agree to such a resolution. If we should agree to it, we may expect, that the other House will presently take the alarm. They will certainly hear something of the resolution: they will thereupon order a Committee to search our journals, which they have a right to do; and upon that Committee's reporting, that they have found such a resolution in our journals, the other House will certainly come to such resolutions, as must occasion a breach between the two Houses: how fatal the consequences of this breach may be to the commonwealth, in our present circumstances, I shall leave to your lordships' consideration.

This must shew, my lords, that we ought to be extremely shy of agreeing to the resolution proposed; and at the same time I shall grant, that we ought also to be shy of giving it a direct negative; for though what is now complained of, is no violation of our rights or privileges, nor of that deference that is due to us from the crown; yet, if we should put a flat negative upon this motion, as it will stand upon record in our Journals, it may hereafter be made a precedent for something, that will be a real and downright violation of our rights and privileges, or of that regard which ought to be shewn us, as the higher House of Parliament; and for this reason, I think, it is the most prudent method to suspend the decision of this affair, by putting the previous question upon the motion.

Lord *Carteret*:

My lords; I am sorry I should be so often obliged to trouble your lordships upon this occasion, but really the more I hear said against this resolution, the more important the affair seems to grow, the more necessary, I think, it becomes for us to agree immediately to what my noble friend has been pleased to propose. His motion I at first thought would have had a good effect, even though our approbation of it should have been suspended by the previous question; but from what the noble lord, who spoke last against the motion, has said, I find the motion will have no effect upon the future conduct of ministers, unless it now meets with the approbation of this House. My lords, it is impossible for any minister or ambitious prince to ruin our constitution, without first prostituting the honour, and debasing the dignity of this House; and this can never be done without our own concurrence or connivance. If what has been last said against this motion, be allowed to have any influence upon this assembly, every future minister that pleases will, at every turn, take an occasion to affront us, and to violate our rights and privileges, and will plead for his excuse, that he durst not do otherwise, for fear of alarming the other House, and occasioning a breach between the two Houses of Parliament. Nay, his creatures in this House, as a future minister may have some, though, I am sure, no minister has any such at present, will tell us, that we must not attempt to vindicate our honour, or assert our undoubted rights and privileges, for fear of occasioning a breach between the two Houses; and will be sure to represent to us in the most hideous light, the fatal consequences of such a breach.

I know, my lords, that a breach, or a dispute about privileges, between the two Houses of Parliament, is a very troublesome affair: I am sensible, that it ought to be avoided as much as possible; but it was never yet attended with any fatal consequence. When such a dispute happens, one or other must be in the wrong; and when men are allowed time to cool, and to think deliberately upon the subject, they generally at last give ear to reason, or some methods are found out to put an end to the dispute without a determination; one of which has in a short time been the

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consequence of all the disputes that have happened between us. Suppose the other House, at the instigation of some ambitious and artful member, should be so unreasonable, as to find fault with our vindicating our honour, and asserting, against an encroaching and arrogant minister, that regard which is due to us from the crown, are we therefore to cease doing our duty? Or must we, for fear of this consequence, submit tamely to every indignity such a minister may please to put upon us?

For God's sake, my lords, do not demean yourselves so much, as to allow such an argument to have any weight in this debate. Consider alone, whether in the present case you have been neglected, and if you think we have, I am certain you will resolve to vindicate your honour, let the consequence be what it will. But, in my opinion, there is not the least danger of the other House's taking amiss any resolution you can come to upon this occasion. There would not have been the least danger, as the noble lord has been pleased to insinuate, of their taking it amiss, had his majesty sent this message to us, at the same time he sent it to them. His lordship may distinguish messages into as many sorts as he pleases, but I must insist upon it, that all messages that relate singly to the business of supplies, are not to be sent to the other House singly, without taking notice of this. A message for a vote of credit, is a message that relates singly to the business of supplies, and yet no member of the other House, I believe, ever imagined, that a message for a vote of credit ought not to be sent to us, as well as them. My lords, this very message is a message for credit. It is a message for an act of credit, which is still more than a vote of credit. The other House may limit the credit they give upon this occasion, as well as they generally do the credit they give by a vote; but whatever the sum may be that is granted or promised, for doing what we know nothing of it is a grant or vote of credit, and every message desiring such a vote or grant, ought to be sent at the same time to both Houses. The other House's referring this as a message immediately to the Committee of supply, without thinking of an address by way of return to it, is no argument for shewing, that they thought the message ought not to have been communicated to this House. Last session they treated the message then sent in the same manner. Though it was a message for a vote or an act of confidence, as well as credit, they referred it immediately to the Committee of Supply, without thinking of addressing his majesty by way of return: nor did they think of taking it amiss, that the message was communicated to us, as well as them. Have we not within these few years seen several messages for a vote of credit only? Have not all these messages been sent at the same time to both Houses? And did the other House ever think of taking it amiss, that such a message was communicated to this House? The case would have been the same, had this message been sent up to us: the other House would not have so much as thought of taking it amiss; nor would ever such a thought have entered, I believe, into any man's head, if it had not been to excuse the blunder of a minister, which, I think, is the softest name I can give the neglect, that has been shewn upon this occasion.

I am really surprized to hear any lord of this House arguing from the sole right the Commons pretend to, of granting supplies, that they may from thence take occasion to prevent all sort of communication between the crown and this House, which might be the case, if they should be allowed to be judges, what sort of messages ought to be sent to this House. My lords, we have never yet yielded to them the sole and exclusive right of granting supplies, or that we have not a right to alter and amend those money-bills they send up to us. It was but in the year 1696, that they came to a resolution, which they afterwards made a standing order, not to confer with this House about any amendment made by us to a money-bill, and this is the only determination this affair has yet met with, which is a determination we are not in the least obliged to stand to. This very dispute, it is true, occasioned a breach between the two Houses in the year 1671 *, which was the occasion of dropping one of the money-bills sent up by the Commons that session; but this was so far from being a misfortune, that it was lucky for the nation, because it prevented the entire ruin of the Dutch; for king Charles 2 had in that year been drawn into an alliance with France for attacking Holland, which was accordingly soon after put in execution; but the loss of this money bill prevented his majesty's attacking the Dutch with that vigour he might otherwise have done, and this gave

* See Vol. 4, p. 480.

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them time to prepare, and to withstand the French attack by land, much better than they could have done, had they at the same time been vigorously attacked by sea; so that our insisting strenuously upon our rights at that time, though it occasioned a breach between the two Houses, was of great service to this nation, and to Europe in general.

This, my lords, may serve as a proof of what I take to be a general rule in all human affairs, which is, that in every case that occurs, we ought to do our duty, and trust the event to Providence. But in the present case, it is evident, that our agreeing to this resolution can occasion no breach between the two Houses, nor be attended with any bad consequence; for I have shewn, that the Commons could not have taken it amiss, had this message been communicated to us, at the same time it was to them, and consequently they cannot take amiss our agreeing to the resolution proposed. I believe, most of them will agree with me in opinion, that it is a dangerous thing for the crown to send any message in writing to either of the Houses, without taking notice of the other; for there is a great difference between a message in writing, and those verbal messages sent by some of the king's ministers or servants. These last, indeed, may be sent to either House, according to the nature of the affair to which they relate; but a solemn message in writing, I will venture to say, ought generally to be sent to both Houses. If a message relating to judicature should be sent to this House singly, the other might probably take it ill; because they have never allowed us the sole right of being the supreme judicature, no more than we have allowed them the sole right of granting supplies. And even with regard to the peerage, if a message in writing was necessary for introducing or passing any law relating to it, I believe the safest way would be, to send it to both Houses; but I cannot conceive, how a message can be necessary in either of these cases: Though no bill becomes a law, till it receives the royal assent, yet we have, in both Houses, a power to bring in and pass such bills, as we think necessary for the public good, or the preservation of the constitution, without having leave from the crown by message, or any other way; for upon such occasions no prerogative ought to be allowed to stand in our way.

I know that in the year 1718, a message in writing came to this House relating to the Peerage bill *; and, my lords, it was a wise, a tender, and a salutary message; I wish I could see such another: I am sure, if I could expect to see such another, I should be among the first to move for bringing again such a bill as that was, into this House. If that bill had passed into a law, our constitution would have been more secure, and this House a better barrier against the ambition of ministers, than it is at present. We know by whom it was opposed: We know it was opposed by one who has now great weight in the other House; and while he has the same weight, I believe we shall never see the same bill revived. But the message sent to us by the crown upon that occasion, was far from being necessary. It proceeded entirely from the goodness of the late king, who was willing to give that early testimony of his approbation, in order to remove the clamours of some courtiers, who seemed to be against the bill; and had that message been likewise communicated to the Commons, I believe it would have been right: I cannot think it should have been attended with any bad consequence. For, in all cases where a new law is necessary, if a solemn message in writing from the crown be necessary, as the law must have the concurrence of both Houses, the message ought regularly, I think, to be sent to both.

We have been told, my lords, that during the late war there were several precedents of such messages as this being sent to the other House, without taking any notice of this. I wish the noble lords had mentioned but one of these several precedents, I am sure I know of none. I have shewn, that the message now under our consideration is directly a message for a vote of credit: It is, with respect to the credit part, expressly the same with that message which was sent last year to both Houses, and has been treated in the same manner by the other House; and before the year 1717, so far as I remember, there was never any such message sent to both, or to either House of Parliament. That message, we know, was violently opposed, and particularly by an eminent member of the other House, who has since, it seems, got a new light; for he has been not only the supporter, but, I believe, the adviser of many such messages since that time.

* See Vol. 7, p. 590.

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During the late war, I can think of no message in writing, relating to the war, but what was sent to both Houses of Parliament. After the unfortunate battle of Almanza, there was a message in writing from the crown; but it was sent to both Houses. After the death of the emperor Joseph, there was a message in writing from the crown; but it was sent to both Houses. All the messages I can think of, that related to the public in general, have been sent to each House of Parliament; for it is but of late, that this method of sending messages has been begun. When our sovereign had any thing new to communicate, or any thing new to ask, the ancient method was, to come to his parliament, and make a new speech; and I wish this method had never been altered; for it is more solemn, and more becoming that regard which our sovereign ought to shew to the supreme council of the nation.

Suppose, my lords, we should think it necessary to disagree to the credit desired by the crown. Suppose we were convinced, that the credit or money desired would be employed in carrying on measures that must redound to the prejudice of the nation. This was the case in the year 1671, and may again be the case: I am far from thinking it is so at present; but if it were, we could, in this method, have no opportunity of refusing this credit, but by doing, perhaps, an infinite prejudice to the public: for the clause of appropriation, with respect to the sum granted by the other House, in pursuance of this message, will certainly come up to us in some money-bill, which the public service necessarily requires to pass; and if we should think it necessary to throw out the clause, we must of course throw out the Bill, or occasion a breach between the two Houses of Parliament, which, the noble lords, who are against this motion, have told us, would be of the most terrible consequence in our present circumstances.

A noble lord has told us, that the sum granted by the other House in compliance with this message, will, in the clause of appropriation, to be sent up to us, be appropriated to the carrying on of such measures, as his majesty shall think proper, in the further prosecution of the war. My lords, I know nothing of the words that may be made use of in that clause; but suppose it comes up in these words, and that the sum granted may be 200,000*l.* is not this giving the crown a credit for 200,000*l.* in the very same manner we gave it a credit last year for 500,000*l.*? The only difference is, that last year his majesty deigned to ask it of us, and to tell us, it was necessary; but this year, it seems, we are to give it without asking, and without knowing it is necessary. The noble lord says, the necessity of giving such a credit in time of war, appears from the nature of things. My lords, the very contrary appears from experience; for during the long and heavy war in queen Anne's time, no such credit was ever given. Her majesty was often empowered to apply any part of the supplies to secret or unthought of services; but there never was any particular sum granted for that purpose: Therefore, if we judge from experience, as well as the nature of things, we must suppose, that no such credit is necessary, and consequently, as the crown has neither told us that it is, nor asked any such of us, we must throw out that clause, and of course the money-bill in which it is inserted.

The noble lord seemed to be sensible, that the necessity of this credit was not very apparent from the nature of things, and therefore, he endeavoured to shew, that his majesty had told us of it, and asked for it in his speech from the throne. Whether any such thing can be gathered from the words he mentioned, or from any words in his majesty's speech, I must leave to your lordships to judge. In time of war, the services must always be various and extensive, but we could not suppose, that his majesty thereby meant, that we must now grant a particular credit for those services, or that such a thing would be necessary now, though it was never before thought necessary. I shall grant, my lords, that some few words might very easily have been inserted in his majesty's speech, which would have prevented the necessity of sending this message to either House of Parliament; but his ministers, by not thinking of, and foreseeing things before hand, have brought themselves into this labyrinth; and I wish with all my heart, they may not, by the same sort of political thoughtlessness and blindness, have brought the nation into such a labyrinth, as we shall not soon, or easily get out of.

I must beg pardon for having given your lordships so much trouble: but the motion now under our consideration has, by the debate upon it, become an affair of so serious a nature, that I think the very being of this House concerned in the

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question. A particular and distinct correspondence is now opened between the crown and the Commons, and that too about affairs which relate to the public in general, affairs of the greatest importance: That correspondence may increase to such a degree as to render your lordships quite useless; and if you should once become so, you may depend upon your being at last voted useless by the other House, as you have been heretofore. I thought it my duty to oppose with all my might the first approach of such another misfortune. Our honour, our very being requires an immediate assent to this motion: and as I look upon the previous question to be a sort of negative, I shall, therefore, be against our disagreeing to the motion, by that or any other method.

The previous question was then put, and passed in the negative.

*Debate in the Commons on Mr. Pulteney's Motion for an Enquiry into the Conduct of the Authors and Advisers of the Convention with Spain.**] February 21. Ordered, that the Call of the House be adjourned to this day month. And then, the Address of the House to his late majesty, on the 31st of March 1715, that his said majesty would be pleased to direct, that all Powers, Instructions, Memorials, Letters, and Papers, relating to the then late Negociations of Peace and Commerce, and to the cessation of arms, might be laid before that House, was read. As also, the Journal of the House of the 9th of April following, in relation to the appointment of a Committee of Secrecy, to whom the said Powers, Instructions, Memorials, Letters, and Papers then presented to the House, were referred. And likewise his late majesty's most gracious Speech to both Houses of Parliament, relating to the conclusion of the war, and the attempts to defeat the Protestant Succession; together with the Address of the Commons to his said majesty thereupon, contained in the Journal of this House, of the 23d and 24th days of March, 1714. After which,

Mr. *Pulteney* stood up and spoke as follows:

Sir; fond as most kings are of arbitrary power, it is certain, the sovereign of these kingdoms is in a more happy and secure condition, than any absolute sovereign upon earth; because, by our constitution, and as long as it has its due effect, neither the discontents nor the resentment of the people can ever affect the throne: in absolute, as well as limited monarchies, it is not only the duty, but the business of the sovereign to preserve the affections and esteem of his subjects; because upon this alone his security and power must necessarily depend. I know, Sir, that in absolute monarchies, supported by standing armies, the security and power of the sovereign depends upon the army, not upon the people; but, in such governments, the people are not properly subjects: They are the mere slaves of the sovereign and his army; and are in the same state with the Villani in our antient constitution, who were neither allowed to have arms, nor to know the use of arms. In such governments therefore, the gentlemen of the army, and they alone, are properly to be called subjects, and upon their affections and esteem, the security and power of the sovereign must depend; for when a discontent among them becomes general and violent, they mutiny, and such mutinies, as we may learn from the histories of all ages, are generally fatal to the sovereign as well as his ministers, without making any distinction between the innocent and guilty. This is a danger which an absolute sovereign must always lie exposed to, and the misfortune is, that, as none but the tools of ministers and favourites are usually allowed to approach the throne, the king knows nothing of the discontents of his subjects, till he hears of their having thrown aside their allegiance. Then, both his security and power must depend upon the success of his arms; and neither can be re-established, but by the death of a great number of his subjects.

From hence, Sir, it is evident, that the sovereign of these kingdoms must always be in greater security than any absolute monarch: by the constitution of our government, while it is preserved entire, the king can do no wrong. If any weak or wicked measures are pursued, his ministers only are to bear the blame. The king can never suffer by such measures, either in his person, or royal dignity, unless he sets himself up as the screen of his ministers, and as a buckler for defending them against the public justice of the nation, which he never can do whilst our constitution is preserved. Whilst our parliaments are allowed to sit, and to be

* From the London Magazine.

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free and independent, they never will allow their sovereign to take upon himself the blame of his ministers, nor will they allow discontents to grow general amongst his subjects. When discontents begin to grow general, there must have been some fault in the administration, or the people must have been mistaken and misled. If the latter of these be the case, an impartial and strict enquiry, by a free and independent parliament, will rectify the mistakes of the people, and direct their resentment against those that led them into an error. And when the discontents of the people proceed, as they generally do, from any real weakness or wickedness in the administration of our public affairs, an enquiry of this nature will point out to the people, the ministers that have disobliged them, and to the crown, the servants that have betrayed it. A free and independent parliament will not only tell the king, that the people are displeased with the conduct of his ministers, but it will distinguish between the innocent and guilty. The latter it will tear from behind the throne, where such ministers always endeavour to take refuge, and thus, by clearing the throne of guilt, it will reconcile the hearts of the people to their sovereign.

In this, Sir, the superior happiness and security of the sovereign of these kingdoms consists, and from this we may see the duty that every gentleman, as a member of this House, owes to his king as well as his country. When any gentleman of this House becomes sensible of complaints, clamours, or discontents among the people of that part of the kingdom he represents; and that those complaints, clamours, or discontents, are growing general, he is, in duty to his sovereign, as well as his country, obliged to move for an enquiry into that part of the conduct of our administration which occasioned them; and every gentleman, who thinks there are any such, is obliged to join with him in the motion, even though he should think that there is no real ground for such complaint, clamour, or discontent; because, in duty to our sovereign, we are obliged to inform him of every discontent that arises in any part of the kingdom, and, in duty to the people, we are obliged to give them satisfaction, by punishing the guilty, if the discontent should, upon enquiry, appear to be well grounded; by convincing them of their error, if it should be found they have been deceived. This, Sir, is our duty. Upon the performance of this duty, the superior security of the sovereign of these kingdoms depends, and therefore every gentlemen of this House will certainly perform his duty in this respect, unless he be more attached to the security of the king's minister, than to the security of the king himself. In absolute monarchies the sovereign can expect no such security, because, no man can, in such governments, come into any of the king's councils, but such as are recommended by the king's first minister, if the king be weak enough to have such a one; but as no gentleman, I hope, comes here by the recommendation of any minister whatever, in this House his majesty may always, I hope, depend upon an honest and fair information.

This being the duty we owe both to our king and country, I must desire, that every gentleman would consider what is said among the people of our late Convention with Spain, and the negociations by which we were brought into that dishonourable and ridiculous treaty. Is not that treaty condemned by every man in the nation that dares speak his mind? Did it not, as soon as it was published, raise a most general clamour in every part of the kingdom? These discontents at present lie smothering under the hopes of a successful war, but they are far from being removed or extinguished. The people are still convinced, that the treaty was a most destructive and dishonourable measure; that the honour of the nation was negociated away, the just claims of our plundered merchants given up, the South Sea company abandoned, and the freedom of our trade and navigation left in a most precarious situation; and all for the sake of furnishing some gentlemen with an excuse, for not having made the proper use of those warlike preparations, which had been made at a great expence to the nation. This, Sir, is the way of thinking amongst a great part of the people, and whilst we think so, can we suppose, they will be satisfied, or that they will forgive those who led the nation into such destructive measures? These discontents do not as yet, I hope, affect the throne; but if we do not take care to remove them, they may, they probably will; and we can remove them no other way, but by a strict and impartial enquiry into the measures that occasioned them. Whether those measures were wrong, whether the discontents of the people were well or ill grounded, sig-

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nifies nothing: it is sufficient cause for an enquiry, that there are such discontents among the people; and that there are, I believe, no gentleman will deny. If they are well founded, we are bound, in duty to our country, to punish those that occasioned them, or at least to remove them from our public councils: we are, in duty to our sovereign, obliged to remove weak or wicked counsellors from about the throne, and to shew the people that his majesty is not to be blamed. If these discontents are without foundation; if there was no weakness nor wickedness in our late peaceable negociations, nor in the Convention, which was the issue of them, and which, I think, was the perfect picture of its parent, we shall be able, by an enquiry, to convince the people of their mistake, which will be of great advantage to us in the prosecution of the war; because the people will pay their taxes with pleasure, when they consider that the public money is under the management of those who know how to apply it, and certainly will apply it, to the best advantage; and our armies, both by sea and land, will act with courage and alacrity, when they have a confidence in the wisdom and skill of those that conduct them.

For this reason, Sir, if we have any regard to our sovereign, or to the success of his arms, which are now employed, and will, I hope, be vigorously employed, in vindicating the honour and the rights of the nation, we ought to enquire into that part, at least, of our late conduct, which relates to the Convention with Spain; and therefore, I shall conclude with a motion for having all the papers relating to that negociation laid before the House. This motion is founded upon a very famous precedent, which has been just read to you; and when those papers are laid before the House, I shall then, in pursuance of the same precedent, move for having them referred to a committee of secrecy; which, I think myself now obliged to give notice of, in order to obviate the objection usually made against our addressing to have such papers laid before us. As the enquiry I thus intend to move for, is founded upon so late a precedent, and a precedent too in which an hon. gentleman near me had a very great concern: as he was so zealous for enquiring into our peaceable negociations upon that occasion, I hope he will not be against such an enquiry upon this; and really, if I were deemed worthy of giving him any advice, I should advise him to be for having the enquiry carried on in the most strict manner, and by a committee of gentlemen who can be no way suspected of a dependency upon, or a partiality for any of those that were concerned in the negociating of that treaty. He has often told us, that not only the treaty itself, but every step towards concluding it, may be justified, and shewn to have been the most wise and prudent measure the nation could, at that time, pursue; and, upon such occasions, he has always arrogated to himself the sole honour of that measure. As to the wisdom and prudence of the measure, he must be sensible that a great part of the nation differ in opinion from him. He must know, that not only the treaty, but the negociations which ended in that treaty, or rather in the war which was the natural consequence of it, for the treaty itself was rather the beginning, than the end of a negociation: I say, he must know, that both the treaty and the previous negociations were, and are still, condemned by a great part of the nation; and therefore, if he was the sole author and adviser, in order to vindicate his character, he must be for a strict and impartial enquiry; because this is the only way of refuting the objections made to his conduct.

But, Sir, as I always had, and have still a bad opinion of the treaty, as well as the previous negociations, I am willing to suppose the hon. gentleman was not the sole author and adviser of either; and, by the nature of his office, he could not be the conductor: he went very far out of his province, if he had any thing more to do, either with the treaty or the negociations that preceded it, than simply giving his opinion, as one of his majesty's cabinet council; for, I hope, his majesty's cabinet council does not consist solely in his person; and therefore, I think, it is very much his interest to have that affair strictly and impartially enquired into, in order to convince the world, that he had not near so great a hand in it, as he is now generally supposed to have had. Thus, Sir, let the hon. gentleman near me consider the Convention in what light he will, let him consider it as a good thing in which he had the honour of being the chief person concerned; let him consider it as a bad thing in which he had no more concern than what belonged to him, it is his interest to have the affair enquired into; and, considering the general reproach it has occasioned, I have shewn that it is his

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duty; so that I cannot but expect his concurrence in the motion I am to make. I can conceive no reason for his being against it, unless he be not only conscious that the Convention was a very wicked treaty, but also that he was, contrary to the nature of his office, and inconsistently with the constitution of our government, the chief conductor, as well as the sole adviser of it.

I hope, Sir, the House will pardon me, for taking up your time with shewing so particularly my reasons why the hon. gentleman near me should concur with me in the motion I am to make. My reason for doing so may be easily guessed at; and, as for the other gentlemen now in this House, who may have had some share in those negociations, or in advising that treaty, if there are any such, I am sure they ought, for the sake of their own characters, to promote an enquiry into that affair, if they really think it will bear being examined. As for my own part, I shall freely own, that, in my opinion, both the treaty itself, and the negociations that preceded it, deserve to be, and, I believe, upon a strict examination, will be as explicitly condemned by parliament, as they have already been by the nation. The treaty of Utrecht, considering the success of our arms, was a bad treaty: our first negociations which afterwards produced that treaty, were scandalous and dishonourable, because they were separate and distinct from our allies in the war; but when this treaty, and these negociations, are compared with our late negociations in Spain, and the Convention that was the consequence of them, if the authors and advisers of the latter escape punishment, the authors and advisers of the former deserve our thanks. Therefore, if the weakness or wickedness of any treaty or negociation, can be a reason for a parliamentary enquiry, we have more reason to nequire into our late Convention and negociations with Spain, than we had to enquire into the treaty of Utrecht. The latter was very far from having raised a general discontent: it was, it is true, condemned by most of the men of superior knowledge and sense in the nation, but it was approved by such as do not consider the remote consequences of things; and, if we include the populace, I may say, it was approved by a majority of the nation. Whereas our late Convention with Spain was not, I am convinced, approved by any man of sense in the nation, except those only who were governed by private and selfish motives of their own; and the dishonour and disadvantage of it were so apparent, that it was exclaimed against by all ranks and degrees of men.

I hope, Sir, it will not be urged against my motion, that the Convention was approved of by parliament; for suppose it had been approved of in the most plain and express terms in the last session of parliament, it can be no argument against enquiring into it, or condemning it in this. The treaty of Utrecht had been approved of in the most express terms by the very next preceding session of parliament, and yet we find, it was enquired into, and not only expressly condemned, but the authors and advisers of it punished, in what I may properly call the very next ensuing session. But the Convention was so far from being expressly approved in last session, that it was with great difficulty, and by a small majority, it met with any sort of approbation. Nay, I am convinced, if the argument had then rested upon the single merits of the treaty, it would have met with an express condemnation. But as peace is a desirable thing, and as gentlemen were afraid, that by condemning the Convention they would prevent the conclusion of that treaty of peace they were made to hope for, and might thereby involve the nation in a war; therefore, to avoid the imputation of being the authors of a war, they were against condemning the treaty in parliament, though they could not but condemn it in their hearts. This, I verily believe, was the way of thinking with many gentlemen who voted for the Address then proposed; and as those gentlemen are now free from such fears, as they may now consider the Convention, and give their sentiments of it freely, and upon its own merits, I have reason to hope, they will not only join with me in moving for the papers relating to it, but also in moving for having those papers referred to a Committee of Secresy; for if the treaty deserved last year to have been condemned upon its own merits, it must now deserve more to be so, since it has failed of producing the only good thing those gentlemen could expect from it. Nay, such gentlemen have, I think, more reason than others to have the treaty enquired into, and either vindicated or condemned; because they were last year induced, by false hopes, and arrogant assurances, to give a sort of approbation to what had been condemned by the majority

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of the nation, and what they could not, in their own consciences, directly approve.

But suppose, Sir, there may be some gentlemen in this House who did approve and still do approve of the Convention, as well as the negociations previous to it; and suppose, as the hon. gentleman near me has often said, that both may be fully justified, surely no man who thinks so can be against our taking the most proper method for bringing the nation into their way of thinking. The desire of bringing others into our opinion is so natural to mankind, that no man will refuse doing it, when he has a proper opportunity for that purpose; and as the discontents of the nation still run very high against that treaty, and those negociations, I have shewn that it is the duty of every member of this House to endeavour to remove them, by taking the most proper method for shewing the people their mistake, and that they have no reason to be dissatisfied with either. Thus, if we approve of the Convention, we ought to enquire into it: if we do not approve of the Convention, we ought to enquire into it; and therefore, let gentlemen pretend what they will, I cannot suppose that my motion will be opposed by any, but such as are conscious of the weakness or wickedness of that measure, and are against its being enquired into by parliament, lest they or their friends, who had a hand in that treaty, should be thereby brought to suffer the punishment they deserve; but as the number of such gentlemen is not, I hope, very great in this House, therefore, I think, I may make my motion with some confidence of success; and that there may be no objection made to the form of it, I have drawn it up in the very words of the first motion made for enquiring into the treaty of Utrecht. My motion is, "That an humble Address be presented to his majesty, that he would be graciously pleased to give directions to the proper officers to lay before this House, all the Powers, Instructions, Memorials, Letters, and Papers, relating to the Convention between Great Britain and Spain, concluded at the Pardo, Jan. 14, 1739. N. S."

Sir *Robert Walpole*:

Sir; of all the duties incumbent upon us as members of this House, there is not one more necessary than that of supporting his majesty in the prosecution of the present war, and avoiding every thing that may interrupt him, or any of those employed by him, in that prosecution. The gentlemen that were concerned in advising and conducting our late negociations with Spain, or in concluding the late Convention, are not, I am very sure, in the least afraid of a fair and impartial enquiry into that whole affair, or of having all the papers relating to it laid before this assembly; but if such an enquiry were to be set on foot, they would have reason to be afraid of an unfair and partial enquiry into their conduct: I say, Sir, they would have reason to be afraid; for though such a thing be improbable, it must be allowed to be possible; and a bare possibility is, in such a case, a sufficient ground of fear. This must of course give them a good deal of uneasiness, and put them to an infinite deal of trouble, as we may most rationally conclude, from the loads of papers we have already upon our table, relating to those transactions. These, and a great many more, the gentlemen concerned, and their friends, must carefully review, for otherwise their enemies might, from some of the papers, pick objections to their conduct, which, without examining other papers, might appear feasible and well grounded: from whence we must perceive what an infinite trouble the gentlemen concerned in those transactions must be put to by such an enquiry; and this trouble no gentleman can in justice resolve to put them to, unless he suspects, at least, their having been guilty of very great enormities.

From this consideration, Sir, which will hold good in all cases as well as this, we ought to lay it down for a rule of our conduct in this House, never to subject any man to the trouble and danger of an enquiry, unless we think we have good reason to suspect his having been guilty of some very great weakness, or some real crime, in the affair he had under his management. This ought, in all cases, and at all times, to be our rule of conduct; but in the present case, and at the present time, we are more than ordinary under an obligation to follow it; because we are now engaged in an expensive war, and a war which may become dangerous as well as expensive; and because some of those gentlemen that had a hand in advising or conducting our peaceable negociations, are now employed by his majesty in advising or conducting the measures proper to be taken for a vigorous prosecution of the war: this every one knows to be our case at present, and without compliment, I

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think, I may say, these gentlemen are the most proper to be employed; because they must be supposed to be the most sensibly touched with the shifts and chicanes of Spain, and the most thoroughly acquainted with the affairs and present situation of that nation: their resentment will prompt them to carry on the war with the utmost vigour, and their knowledge will direct them how to carry it on with the greatest success. Therefore, of all things, we ought, at present, to avoid entering upon an enquiry into their past conduct, unless we are fully convinced of their having been guilty of some egregious weakness or gross fault; and, if none but those who think so will join with the hon. gentleman in his motion, I believe, it will not meet with that success he seems to expect.

A popular discontent or clamour, when it becomes general, and is entertained by men of sense and figure, as well as by the vulgar and ignorant, is a misfortune, I shall readily grant, Sir, which ought never to be neglected by this House. This is what will never, I believe, admit of a dispute amongst us; but the dispute generally is, whether the discontent be general, and by what sort of people it is entertained; and, in this, most gentlemen without doors pass their judgment according to the company they keep, and the place they chiefly reside in; but this, I am sure, is far from being a right way of judging within. We are here, Sir, the representatives of the whole nation: We are to judge, as the majority of the nation ought, and may be supposed to judge; and, as it is impossible for any one member of this House to know the particular sentiments of every man in the nation, he must form to himself some other method of judging. The only sure method he can, for this purpose, lay down, is, to consider the affair in question, and to suppose that the majority of the nation, at least the majority of men of sense or figure, are upon the right side of the question. To apply this rule to the case in hand: We are not to suppose, much less judge, that the majority of the nation are dissatisfied with the late Convention, because we find the majority of those we converse with dissatisfied with it; nor are we to suppose, that the majority of the nation are pleased with it, because the majority of those we converse with, are so; but, we are to consider the Convention itself, with all the circumstances attending it, and, if we are from thence convinced, that it was a good thing at the time it was made, we ought to suppose, that most men of figure and sense in the kingdom approve of it.

This is the only method, Sir, by which, as members of this House, we ought to judge what are the sentiments of the majority of the nation; and according to this method, I must suppose, that the majority of the nation neither were, nor are dissatisfied with the late Convention between us and Spain, because, I think, they neither had, nor have any reason to be so. His majesty was certainly in the right to try all peaceable methods for bringing the court of Spain to hear reason, before he resolved on having recourse to arms: This was the repeated advice of his parliament; and, his following this advice shewed his regard to the trade and happiness of his subjects. The court of Spain had, for some years, amused him with promises, and with protestations that they were to settle all disputes in an amicable manner; and, the best way for putting these protestations to the proof, was to bring them to some one point, which must necessarily be performed in a few months. The point fixed on by his majesty for this purpose was, their making good the damages our merchants had sustained. This they promised, by the Convention, to do in a very short time; and, if they had performed this promise, it would have been a good pledge for their sincerity in the future negociation. If the Convention, Sir, had been a definitive treaty: If, by such a treaty, nothing had been obtained but a reparation for past damages, without any stipulation for future security, I shall grant, it would have been a bad treaty. But, as the Convention was designed only by way of preliminary, and as immediate reparation for all past damages was stipulated, in order to put the sincerity of the Spanish court to the test, I must still think it was the wisest and the best method we could take, for avoiding the imputation of involving ourselves rashly in war, and, at the same time, for preventing its being in the power of the court of Spain to amuse us longer with empty promises or deceitful protestations.

This is the only true light, Sir, in which the Convention can be considered; and when I consider it in this light, I cannot suppose, that any impartial man of sense in the kingdom ever did, or can now find fault with it, or with the negociations that preceded it; and as I shall always take the sense of parliament to be the sense of the nation, that is to say, of the majority of those whose opinions we ought to re-

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gard, this treaty, and all the previous negociations, having met with the approbation of parliament, I must, from thence likewise, conclude that they were, and still are approved by the majority of those that make any sort of figure in their country. The mere populace, indeed, in all countries, are fond of war, because they can lose nothing, and some of them generally make their fortunes by war; therefore, we ought not to wonder, if they find fault with every measure that is taken for avoiding a war, which, though it be their delight, must be allowed to be a public calamity; and the natural inclinations of the populace in this kingdom, were roused and enflamed by our merchants and seamen who had suffered by the Spanish depredations, and who were governed by their private resentment, and not by any public regard for the good of their country; but, I hope, it will not be alledged, that a war ought to have been entered into, merely for the sake of putting an end to such discontents. Besides, even these discontents cannot now be insisted on as a good foundation for an enquiry, because they are really now at an end. His majesty's declaration of war put a final end to them, as we have often been told, even by those that seem to patronize this motion. An enquiry, indeed, may, nay, I am convinced, will revive them; because it will be impossible to convince men who judge so partially, and, I may say, selfishly, that any measure for preventing the war was right, or that the advisers and conductors of such measures ought not to be punished; and, as I cannot suppose, that this House will punish gentlemen who shall, upon an enquiry, be found, through the whole tenor of their conduct, to have had a true regard to the interest of the nation in general; I must conclude, that the enquiry proposed will, probably, end in reviving those ill-grounded popular clamours, with the additional misfortune that this House will then share in the supposed guilt of our ministers and negociators.

Thus I have shewn, Sir, that a parliamentary enquiry into our late negociations with Spain, would be dangerous, because it would, probably, revive the discontents and clamours, groundlessly, in my opinion, raised against those negociations: that such an enquiry would be prejudicial, because it would interrupt us in the prosecution of the war; and that it ought neither to be insisted on, nor agreed to, by any but those who are fully convinced, that the gentlemen who were concerned in advising and carrying on those negociations, were guilty of great failings and enormities. As I am none of these, after thanking the hon. gentleman for the piece of advice he was pleased to direct, as I imagine, in particular to me, I must beg his pardon for not following his counsel. If I were the only person concerned, I should be very ready to take his advice: I should be ready, and shall always be ready to submit any part of my conduct to a fair and impartial enquiry; but, I cannot make so free with the conduct of other gentlemen. I cannot give my consent for subjecting them to the trouble and danger of a parliamentary trial, when I do not think there is the least ground for suspecting their having been guilty of any fault, and much less of any crime. By a formal trial, the most innocent man must certainly be put to great trouble, and he must always be exposed to the danger of mistakes, misapprehensions, or partialities, on the part of those that are to be his judges: we have often heard of innocent mens' being condemned; and therefore, I shall never think it just in me to give my vote for exposing a man to that danger, when I am fully convinced of his innocence.

With regard to the precedent upon which the hon. gentleman has been pleased to found his motion, it may be a precedent as to the forms of proceeding, but it can be no precedent as to the merits of the case. Will any gentleman say, that because we enquired into the treaty of Utrecht, therefore we ought to enquire into the late Convention between Spain and us? Is there any parallel between the two treaties? Is there any parallel between the circumstances of this nation, or the circumstances of Europe, at these two periods? Is there any parallel between the persons concerned in negociating these two treaties? Can the Convention be suspected of any such latent design as the treaty of Utrecht was, strongly, and with great reason, suspected of? I am really surprised, Sir, to hear the enquiry into the treaty of Utrecht brought as a precedent, or an authority, for what is now proposed. If it was mentioned as a proof, that the parliament has a right to enquire into any treaty or public transaction, it was quite needless to bring a precedent or proof for this purpose, because it is what no man will now, thank God! deny. But if our having enquired into that treaty was

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mentioned as an argument for our enquiring into this, it is, I think, one of the most inconclusive arguments that was ever made use of in any debate. The treaty of Utrecht was a most dishonourable treaty, at the end of a most successful war: the Convention was only a preliminary, or an attempt to prevent a dangerous war. At the time of the treaty of Utrecht, the circumstances of Europe were in the most happy situation for this nation, and our enemies were, in some measure, at our mercy, if we had not entirely confounded this happy state of our affairs, by deserting our allies at that critical juncture: whereas, at the time of the late Convention, the circumstances of Europe were in no very happy situation for us, and, I am sure, it cannot be said, that those we might then reasonably expect to be our enemies, were in any measure at our mercy. The treaty of Utrecht was concerted, negociated, and concluded, by those who were known, I may almost say, declared enemies to the Protestant establishment; and there was a violent suspicion, that, in the negociating of that treaty, there was an underhand plot for overturning that establishment, and placing the Pretender upon the throne of these kingdoms: can it be said, that the late Convention was negociated by such men? Can it be suspected, that any such plot was carried on under the cloak of that negociation? Besides these differences in the two treaties, and the circumstances that attend them, there was a very material difference in the approbation the two have met with. The treaty of Utrecht was, it is true, approved of by parliament, but it was by a new parliament, and a parliament generally composed of men of a different complection to those that enquired into and condemned it: whereas the Convention was approved of by this very parliament; and I cannot think, it would add much to the credit or dignity of parliaments, to see a treaty condemned in one session, which had been approved of in the very next preceding session of the same parliament. For my part, I cannot see how any gentleman can, this session, vote for an enquiry into a treaty, which last session he so far approved of, as to advise his majesty to proceed upon the footing of that treaty; for, I hope, no gentleman will, after what I have said, vote for enquiring into a treaty which, he thinks, he has no reason to condemn; and therefore, I am convinced, no gentleman will vote for this motion, who agreed to the address, last year, upon our taking the treaty into our consideration.

From what I have said, Sir, I hope it is evident, the enquiry into the treaty of Utrecht can be no precedent, or argument, for what is now proposed. I have often, indeed, heard precedents quoted in this House, which, I thought, had very little relation to the case in hand; but I never heard a precedent quoted, which I thought less *à propos* than the present. The enquiry into the treaty of Utrecht can no more be brought as a precedent, or an argument, for enquiring into the late Convention, than it can be brought as a precedent, or argument, for our enquiring into the grand alliance; therefore, the hon. gentleman's motion must rest entirely upon the opinion we have of the gentlemen concerned in advising or conducting our late negociations with Spain, and upon the opinion we have of the fitness of the present time for setting on foot an enquiry into their conduct. As I have a very good opinion of the gentlemen concerned: as, I think, there is nothing appears, either from the Convention, or from the papers already before us, that can in the least impeach their conduct; and as, I think, this is not a fit time for enquiring into it if there did, I shall, therefore, be against the motion, and, I hope, every gentleman that thinks as I do, will join with me in putting a negative upon it.

Mr. *Lyttelton:*

Sir; I think it my duty to be warmly for this enquiry: I think it my duty, not upon the principles of a Whig, or of a Tory, but upon a much better principle than either, a principle of love to my country, superior infinitely to any party-names or distinctions. But I am not in the least surprized, that some gentlemen should be very unwilling we should look back to the transactions that preceded the war; transactions, which, for the honour of the nation, one ought to wish might sink in oblivion, if, while we are smarting with the effects, it was possible for us not to remember the cause; and, indeed, I believe, that such a retrospect would be painful enough to us all; for who can be easy, that considers from what a precipice we lately escaped, and that those who drove so near to it, have the reins still in their hands? But unpleasant as it is to look back, it is the proper business of parliament: it is our duty to look back, that we may know the better how to look forwards, that

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we may understand the full merit of our minister's services, and suit our expectations of the future, to our sense of the past.

It has been said, that this treaty, we would enquire into, has been approved by this parliament. Sir, I will be bold to say, it has been condemned in effect by the king himself, and by the whole legislature. I will be bold to say, there is not one word in his majesty's declaration of war, not one word in any resolution, in any address, or in any act of parliament for supporting the war, that is not directly opposite to the principle upon which the Convention was built, upon which all our measures, all our negociations were founded, as long as the genius of our ministers prevailed over the spirit and sense of the nation. Sir, the principle of the war is to consider our right, not to be searched, as an indubitable claim, that will not admit of any discussion; the principle of all these negociations, and of the Convention itself, was to consider it as a matter that required to be discussed, and to be regulated; and would to God, Sir, we had gone no farther in the course of those able negociations: but it is a melancholy truth, which can be proved from papers now on your table, that for many years together, there was hardly a letter written by our ministers, a demand made by them, or a plan of accommodation proposed, or accepted, which did not evidently tend to weaken our own right, and strengthen our enemy's, by some new mistaken conception in their unwarrantable, groundless pretensions. Nay, so late as in December 1737, we contended with our whole strength, that the regulations laid down in the treaty of 1667, with regard to searching in the seas of Europe for contraband goods, should be deemed to extend to America, and observed there, in searching our ships. What a condition had we been in, how grossly entrapped by our own astonishing ignorance, if Spain had taken us at our word, and allowed the demand! With what grace, after that, could we have presumed to talk of no search? But luckily for us, the Spanish minister served us a great deal better than our own: he was so good to teach us how to understand our own treaties; and so, at last, we saw our error, and set the dispute on its proper foundation. Are not these matters that deserve to be looked into a little more closely? Is not here business sufficient to employ a secret committee?

Sir, is it enough for a ministry to declare themselves honest, and wise; and are we to take their words for it, against such terrible grounds of suspicion? Sir, I own myself very unfit to judge for gentlemen in an administration; but, if I could form any judgment, how they ought to conduct themselves, I should think, the throwing out daily defiances to find any fault with them, and then denying all means of enquiry, must be very bad policy; because, it is so far from looking like innocence, that it gives the strongest suspicion of guilt. When king Charles I told the Commons, (who were preparing complaints against Buckingham) 'That he would not allow any of his servants to be questioned in parliament,' he spoke the language of despotic power, and such as this House would never endure. But if, instead of speaking so openly, he had a little softened his stile, confessed their right to question his servants, but at the same time denied them the means: if Buckingham himself had challenged them to examine his conduct, or the conduct of those who acted by his instructions, and under his orders; and then refused them the sight of those instructions, and the regular methods, according to the usage of parliament, of examining into those orders; the appearance, indeed, would have been fairer, but the proceeding itself would have been equally dangerous, equally fatal to the rights of this House.

Sir, that parliament would not have borne it; for it was composed of such men, as had no influence upon them, to abate the spirit and zeal with which they proceeded to enquire into, and punish maladministration: such men, at their first meeting, before they would give one penny of money, to support the king in a war with Spain, which had been begun at the desire of parliament, appointed a committee to consider of secret affairs, and another committee for grievances. You will find them upon their journals: the misemployment of the public treasure; and the dishonour brought upon the nation. These they resolved to enquire into before they voted any supply, without apprehending any reproach of want of zeal for the king, or the war; but that they might know the true state of the nation, and carry on the war with more cheerfulness, when justice was done upon those who had involved them in so many difficulties. The same parliament declared, and it stands uncontroverted yet upon your Journals,

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"That common fame is a good ground of proceeding for this House, either by enquiry, or, if the House find cause, by impeachment." Accordingly, queries were drawn up, to enquire into the conduct of Buckingham, which were afterwards turned into Articles of Impeachment against him, and the king, to save his minister, had no other way than dissolving that parliament; for the art of softening them by corruption was not in use in those days.

Sir, I hope, I have not mis-spent your time in calling back to your memory the proceedings of a former House of Commons, which deserve, I think, the greatest respect, and are mentioned with reverence by the most impartial historians. How history will mention ours, I wish we may think worth our concern; but how the nation will judge of them now, I am sure, we ought to consider. Sir, if a king has lost the esteem and the hearts of his people, the interposition of parliament may awaken him to a sense of his error, and by healing counsels, reconcile, and restore them again? but if parliaments themselves act so as to lose their own dignity, and, by consequence, the esteem and love of the people, who shall then interpose, or what mediator is left? It is such an evil as admits of no remedy: It is the worst misfortune that can ever befal a free government.

To have approved the Convention; to have rejected a motion for laying before parliament, the instructions of the minister, who concluded, and signed that Convention; and then to deny the means of examining into those negociations, upon which Spain grounds those very pretensions, that we are fighting now to destroy, will certainly do us great honour in the opinion of those, who are this year to pay four millions for supporting the war. What they will think of all this I do not know; but, I am apt to believe, they will never think about it, without having it at the same time in their thoughts, that the same House of Commons has three times rejected the place-bill.

After several hours debate the motion passed in the negative, Ayes 196, Noes 247.

The Pension Bill passes the Commons.] March 10. The Commons read a third time, and passed a Bill for making more effectual the laws in being, for disabling persons from being chosen Members of, or sitting or voting in the House of Commons, who have any Pension during pleasure, or for any number of years, or any Offices held in trust for them.

*Debate in the Lords on the Pension Bill**.] March 19. The Pension Bill†

* This debate was first given in the London Magazine, for December 1740, and was afterwards copied into the Gentleman's Magazine, for March 1741.

† *From the Secker Manuscript.*

March 19, Pension Bill, read a 2d time.

Walpole. Read the Journals of 21 March, 1729, 2 March, 1730, 17 Feb. 1731, 23 Feb. 1732. The two first times it was not committed: the two last not read twice. Four times rejecting it might have prevented a fifth. It is a bone of contention thrown in when the king exhorts to unanimity. It is not consistent with the candour of the House to suppose that a man in place is therefore a villain. It is calculated to cast a slur upon the administration. Every member of both Houses takes an oath as binding as can be, and there are too many oaths already. It is unjust to preclude a man from rewards let his services be what they will.

Talbot. If any opposition could have surprized me, this would. The Commons, sensible of the mischief of corruption, have desired your assistance. There are two laws in the Statute Book to obtain the same end. They are deficient, as experience hath taught the Commons. Ministerial craft works upon abandoned prostitution. You have lately given proof of tenderness to the Commons. Do not offend them by defeating this their upright intention. The whole people will join with them in their honest indignation. If they are not in earnest, will it be consistent with your honour and duty to God and man to join in this fraud? An act was passed in the time of H. 8, to annihilate all the debts and loans of that Prince. One reason given is, that the House was filled with the king's servants. There is no mention of pensions. The Pension Parliament in Charles 2d's time, proposed an oath that every man should swear that he had never given his vote for any reward. The Commons have as often passed this Bill as you have rejected it. When taxes are to be heavy, convince the people of the integrity of those who are to impose them. Rewards of places are still left. This Bill is only to prevent clandestine rewards. The slur is cast already, if there be one, by the Commons passing this Bill. If an oath is necessary on any occasion it is for the preservation of liberty. I will agree to any amendments.

Halifax. The same reasons that moved our ancestors to enact laws should move us to reinforce them. The oaths already taken are to the king: this is to our country. Fear will

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having been read a second time, a motion was made for committing it. Which was first opposed by lord Walpole, but before he began he moved, that some parts of the journals in the years 1729, 30, 31, and 32, might be read: which being read accordingly, he then went on in substance as follows:

Lord *Walpole:*

My lords; from these Journals it appears, that a bill with the very same title

have effect when conscience hath none. There may be prostituted members of the House of Commons in future times: how shall the House discover them? A free people should always be suspicious. And many persons think they have just grounds for their suspicions. I hope there is little money left for pensioners, but fear they are too many. If the king were exonerated from these, he might give as queen Anne did, to the support of the war. Pensions are the lowest kind of corruption, bribes are for particular jobs. Pensioners are domestic servants. And I wish the humble servants of the minister wore his livery, as the Jews abroad do a yellow mark in their hats. Many of the Jews chuse to quit Rome rather than wear such hats. And I hope some pensioners would quit their pensions rather than wear yellow caps. Pensions undermine the foundation of the king's interest. And places are now split and multiplied into 220 in the House of Commons. May they ever enjoy a reward suited to their merit! I am not certain that this Bill will be quite effectual, but let us do what we can. Mend it if you can in the Committee. I hope it will be so strengthened as that no pensioner can sit in the House.

Hinton. I am against the basis upon which the Bill is founded, that is the means by which it is to operate. Have any attempts been made by the crown upon liberty which might give suspicion of undue influence upon the Commons? Passing this Bill will give a sanction to scandal. It sets up for the House of Commons a Court of Conscience of their own, to judge of the propriety of every gift of the crown.

Talbot. The noble lord's eloquence is worthy of the cause he supports. [He spoke ungracefully and with much hesitation, and things which could not be understood, and therefore were not taken down.] I defy the resentment of any private person whatever.

Carlisle. This is no new law. It is only making the laws now in being capable of being put in execution. A law that no person who sits in the House of Commons shall be capable of a pension during pleasure was brought in by a Secretary of State, [lord Stanhope,] part of it is against taking offices in trust. For when a man hath an office, his electors have a right to re-elect. The Triennial Bill was rejected, first by the parliament, then by the crown, yet passed at last. This Bill will only prevent the crown from rewarding in a way that the laws have declared corrupt and infamous. Oaths are multiplied every day upon less pretences. The commissioners of the river Don swear they will act impartially.

When persons possessed of employments have given them up to a brother or a son, I cannot help suspecting something was reserved for themselves. A bill may be thrown out in the Commons by the single negative of the minister.

Cholmondeley. The evil is not proved to subsist, and the remedy is not adequate to it. The Bill inflicts no penalty, but gives new powers to make the Commons independant. The exercise of these powers in violent times may overturn all. It was once thrown out in the House of Commons.

Argyle. I should be concerned that the question should be put with so little debate. Is there an impossibility of making the Bill good, and is it necessary that in time of war a minister should be at liberty to bribe the Commons? A bad minister is a more dangerous enemy than any other. I hope both Houses will be independant; there should be union, but not dependence by pensions. The crown may still give even to those whom they have corrupted, pensions during life. Nobody doubts but there may be one or two in the Commons for the most part who do receive private gratuities. I have always attacked corruption in every station, but have seen encouragement given to it, and reformation turned into ridicule, and have heard people in offices say that corruption is necessary to this government. I believe as the Bill stands it would not be effectual, but could offer some clauses that would make it so. In other countries perjury is death: make it so here, words may be put into the oath to improve it. No notice is taken that there cannot be corruption without a corrupter. Lawful administration is swallowed up by a sole minister. Nothing but corruption can support such a one; nobody will give up liberty without some consideration. If the question was upon the Bill as it stands, I should be against it. But if the Commons are in earnest they will thank you for mending it. If not, which their unanimity makes suspicious, disappoint them. The Place Bill had been brought up to this House and was thrown out. It was brought up again, and it was thought pitiful to do the dirty work of the Commons. The Bill was thrown out but by one vote, and there was a lord in the court of Requests buying pennyworths with two proxies in his pockets, else it had passed.

Cholmondeley. The words dependency and independency in this case should be properly understood. There is law against offices in trust or gratuities. The House is to resolve upon a declaration, what they will do. Persons in the opposition have rewards. A man cannot be proved

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has been already four times sent up from the other House, and as often rejected by this, which gave me a curiosity, as soon as the Bill came up, to look into it, and to compare it with the Bill so often rejected; and, I must say, I was greatly surprized, when I found it was almost word for word the same; because I really take it to be an affront offered to us, to send up a fifth time the very same bill that has, so lately, been four times rejected by us. Surely, those who were the promoters of this bill

to be perjured in this case. The noble duke cannot make this effectual.

Argyle. I will undertake to make it a guard against corruption. Let it go to the Committee.

Bishop of *Sarum.* The harm of corruption is allowed, and there is sufficient foundation for a good remedy. I do not object against the oath, but it should be clearly understood. Is a member, if his son or first cousin hath a place, to declare it? What law is there in being relating to those who have any reward whatever from the crown? What use do the Commons intend to make of this oath? If none, it is useless. If any, it must be one not directed by the law, and every thing done upon it will be a law, passed without this House and the crown. What they say, then is, Give us a power to exact oaths, and we will make laws upon them afterwards. Mutual dependence, not of a corrupt but a proper kind, is essential to the constitution. If every person that hath a fine remitted, or a lease renewed, is to subject this to the House of Commons, what will be the consequence if once the House of Commons should be against the crown, what will they do with the friends of it? Scarce a man in the Civil Wars durst vote for the crown because of the influence of the leading men in the Commons, and the consequence was that the crown was destroyed and this House voted useless.

Carteret. The reverend prelate's explanation of mutual dependence is obscure, and leaves the text in its full strength as it was laid down in this House. Pensions are already prohibited by law, places in trust are [il] legal. Would the Commons disqualify Vernon for having a reward? The only thing that hinders Popish Recusants from sitting in the House is the oath. If you throw it out without committing it, every body will interpret why, and it will do harm to us. If I had a mind to drop this Bill yet I would commit it. If it had risen here it would have been casting a reflection on the Commons. But they know their own case best. Are we to intercept the benefits designed by the Commons for the nation. It will rivet all the notions spread abroad by the malice of mankind against this House. It will be said, reject all placemen in the next parliament. It was never intended when commissioners were excluded that their clerks should sit. The parliament in 6th Anne, 1705, prohibited pensions. In the Union again it was enacted, that no pensioner should sit, nor any person in a new office after October, 1706. If other things than pensions are not proper to be included, carry it to the Committee and restrain it. No bribe was ever given for the sake of the person bribed. Men think they only sell the contrary side, but they sell themselves.

Bishop of *Sarum.*

Newcastle. The Commons will be judges whether a gratuity is well given or not. And so this law may take away what former laws have done. In some parliaments if Vernon hath differed in voting, after all he hath done, he might for a present from the crown be turned out. It might be for the service of the kingdom that the Lords' jurisdiction should be extended; but give no more to the Commons. It gives the Commons a regal power. It is not in the power of the crown to give a pension. If any be given it is legally given. If a man will take a bribe it is going but a little farther to swear he hath not: and it will be as hard to prove the perjury as the pension, and if the pension be proved it is now illegal. There are no more placemen in parliament now than formerly. And it may be as well supposed that other influences prevail on others as their places on them; I think oaths but a small security. If this goes on, the Commons may be sworn like jurymen on every vote. If gifts and gratuities be not included, every thing else will be to no purpose, and if they be, it will be liable to innumerable objections.

Abingdon. The crown may reward persons by act of parliament. Let it not be thought that you compliment the Commons in throwing this out.

Bedford. No other proof can be wanted of the need of this Bill than sending it up so often. But if the evil had never been felt it would be right to provide against it. It would be one advantage, if nothing were to be done upon a declaration, that pensioners would be known as placemen are. The Commons have had no opportunity of seeing what alterations the Lords would make in this Bill. Commit it to shew them that; and then they will either come into a good Bill or the shame would be on them if they did not.

Bishop of *Lincoln.* Let it be sufficient that whoever hath a pension, shall inform the House of it.

Chesterfield. I think the Bill imperfect and faulty, but perhaps may offer something in the Committee as others have promised. The Bill hath gathered strength by every fall. The Commons would not repeat it a fifth time without reason. The Sheriffs' Bill was thrown out 15 times; will you let the Commons say, we have done all we can and the lords must bear the blame. If they have passed it to be thrown out, send it back to them made effectual, and let them throw it out, else we engross the whole reproach. Merit will not be rewarded with clan-

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must think, that we are either short in our memories, or variable in our judgments; for the circumstances of the nation are exactly the same now, as they were then; and though we have several young lords come into the House since that time, yet, I am sure, if all those that were, upon former occasions, for rejecting the bill, be still of the same opinion, I may easily judge of its fate.

This, my lords, I should think sufficient, upon the present occasion, for prevailing with your lordships to put a negative upon this motion, if every lord now present had been here, upon former occasions, when this affair was fully debated; but, as there are now several lords here, that were not then present, I shall beg leave but just to touch upon some of the reasons formerly urged against this bill, and which are now full as strong as they were at that time, nay, some of them, I think, much stronger. By wise politicians, my lords, it has always been laid down as a maxim, not to make any alterations in the fundamental forms of your civil government or constitution, unless some grievance or inconvenience, that is sensibly felt, render it absolutely necessary; and the reasons are very plain, because such alterations are generally attended with convulsions in the state, and because the remedies you provide, are often found to be worse than the grievances you intended to cure. This maxim, therefore, ought always to be observed, in time of peace as well as in time of war: but, in time of war, we ought to be much more cautious of departing from it, than in time of peace.

Now, my Lords, according to this maxim, we must either suppose, that there is corruption in the other House, and that of the worst sort; or we must allow, that we have now in time of war a stronger reason for rejecting this bill than we ever had before. To suppose that there is corruption in the other House of Parliament, and that sort of corruption too, which consists in ready money, or a private pension, would be throwing a very great, and, I hope, a very unjust slander upon the other House; but this I shall be very easy about, considering how often they have sent this bill up to us, if it did not, at the same time, throw a very great, and I am sure a very unjust slander upon his majesty's government. My lords, it is a crime to corrupt, as well as to be corrupted; there can be no corrupted unless there be a corrupter, and to suppose that there is, in the other House, any man corrupted by the crown, is to suppose that the crown is guilty of a most infamous crime, which no lord in this House will, I am sure, suppose, during his present majesty's reign.

We cannot even suppose, my lords, that any of those employed by his majesty in the administration, are guilty of corrupting the members of the other House, because it is not in their power. They can grant no pension but by a warrant from his majesty; they can give no money, because they have no public money but what they must account for to his majesty, or to parliament. As for that part of the

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destine pensions: both the giver and taker would lose their credit: these are the scandalous reward of scandalous service. The oath is obscure: therefore commit it. Deserved gratuities will never be objected against. There is no proof, and therefore no assertion of corruption, but this is a reason for the Bill. For now you cannot have proof. No man can receive a secret pension for a good purpose, he is made over in trust to the corrupter for value received for 5 or 10*s.* in hand paid. The Commons threw out the Place Bill, because passing it would have been an admission that places influence. Now they have passed the Pension Bill, and so have admitted that pensions influence. Now if pensions corrupt the Commons, they may slide in here, and then this House from the most august assembly will become the most contemptible: worse than the Commons; because the Lords have superior fortunes and permanent seats.

Hervey. Every part of the Bill hath been so thoroughly examined that it is in effect having been in the Committee upon it. The dispute hath always turned on the words, Gratuity and Reward; and still they send the same words up; which shews they think this an essential part. The Commons, conscious of their own innocence, may be willing to take their trial, but you being desirous of putting them on it would be saying you suspect they are guilty. The Bill is to take place immediately, that it may appear that this House of Commons is censured. It will embarrass the virtuous, and the vicious will elude it. It will be difficult to put bounds to the words "directly or indirectly from the crown." The most trifling present to one self, or the most trifling favour to the most distant relation, a picture, any thing will come into this Bill, and the House of Commons will be erected into an inquisition on all these occasions.

Abingdon. This oath is in the nature of an oath of office.

Question to commit it,

C. 40, of whom were the Bishops of Oxford and Gloucester.
N. C. 52.

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public money which they must account for to parliament, no man will suppose, they can give any part of it for bribing the members; and as for that part which they must account for to his majesty, they can give none of it, without letting his majesty into the secret, and make him a sort of partner in their crime, which no man will suppose they dare attempt. They can, therefore, have no money for this purpose unless they should make use of their own private fortunes; and for such a purpose, no private fortune can be supposed to be equal. But suppose it were in their power, I do not believe it is in their inclination; and, I hope, many lords in this, are of my opinion. I have the honour to be nearly related to some of those employed in the administration: From thence I have had an opportunity of knowing their most secret thoughts; and from thence I have formed my opinion. Therefore, if it is neither in the inclination, nor in the power of any one employed in the administration, to corrupt the members of the other House, what occasion can we have, would it not be altogether imprudent in us, to make an alteration in one of the most fundamental parts of our constitution, in order to guard against a grievance, which is neither felt, nor can be, in his present majesty's reign, so much as supposed?

My lords, the prerogative our sovereign has of rewarding merit, in what shape, or in what manner, he pleases, is one of the most fundamental, and one of the most useful parts of our constitution; and, an alteration in this respect, may not only occasion convulsions, which must be dangerous in time of war, but likewise, it may be attended with inconveniencies, which it is impossible to foresee. There are many sorts of public services which cannot be immediately explained, which it would be inconsistent with the public good to divulge: and yet, if this Bill should pass into a law, his majesty could reward no services in any member of the other House without explaining and divulging those services; nay, and putting it in the power of that House to judge, whether those services deserved such a reward, which might occasion disputes between that House and the crown, and would certainly discourage every member of that House from rendering any secret services to the public.

This, my lords, would be a great prejudice to our civil government; and the frequent oaths that are to be introduced by this Bill, would be of the most dangerous consequence, not only to our established religion, but even to natural religion itself. In our ancient polity, both religious and civil, it was a wise maxim, never to oblige or allow a man to swear in any case, where self-interest was concerned, especially when the circumstances of the case were such as made it impossible to convict him of perjury, even though he should be guilty of it; but this maxim seems to be quite overturned by this Bill, and therefore, I am convinced it will introduce amongst us an utter contempt of perjury, which is always followed by an utter contempt of religion. These, my lords, are some of the reasons formerly made use of against this Bill: they have already been four times approved of by this House: they are now stronger than ever they were before; and therefore, for the sake of your own character, as well as for the reason of the thing, I hope you will give this Bill the same treatment it has so often before met with.

Lord *Talbot:*

My lords; could any opposition to a measure, absolutely necessary for the preservation of the constitution, have surprized me, I should have been amazed at the reception given to the Bill now under our consideration. The Commons, sensible of the prevalence of corruption, and well knowing the inevitable destruction attendant upon any government infected with that political contagion, have sent your lordships a Bill for securing their own integrity, and to prevent the dreadful effects an evil so subtle and formidable might soon occasion, if not entirely eradicated. Nor is the Bill founded upon Utopian and chimerical schemes of public virtue; but so extremely requisite, that you have already in the statute books two laws calculated to obtain the same end: notwithstanding which, it is still possible for ministerial craft, working upon abandoned prostitution, to evade and render them ineffectual. If you believe the Commons really intended, by their passing this Bill, to support their own honour, and to preserve their own House uncontaminated by secret corruption, may they not with reason resent your defeating so upright a design? May not it occasion a breach of that harmony, which we ought to endeavour to promote between the two great legislative branches? And will not the

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whole nation espouse their cause, and warmly join in their honest indignation?

On the other hand, were it possible to suppose, they meant nothing by this Bill but to delude their constituents, by an appearance of zeal against that malignant influence, which may make those that were chosen as the guardians, become the subverters of the liberty of their country, would it be consistent with your dignity, with your duty to God and man, to be accessary to the abominable craft? No, my lords, this House can never sink so infamously low, as to co-operate in so mean, so contemptible, so profligate a job: you may be yourselves deceived, but you are incapable of deceiving. A private pension is a breach of trust; and if you refuse your assent to this Bill, you in some measure give a sanction to the infringement of those laws it is intended to enforce.

The noble lord's argument, drawn from the four Journals he ordered to be read, concludes nothing, but that it was at those times the sense of the House to reject Bills of the same nature. But, my lords, there are many lords now present, who did not sit in this House at any one of the periods referred to; and the Commons, after having been four times defeated, offering this Bill to your lordships, is a proof of their opinion of the absolute necessity of such a law. It was observed by the noble lord, that the time is improper: far otherwise is my opinion; for at an hour when the situation of affairs obliges the parliament to impose heavy burdens upon a nation, already labouring under the severe pressure of an enormous debt, are we not directed by justice and prudence to give them the utmost proofs in our power, of the integrity of those persons, by whom the oppressive taxes must necessarily be imposed. The noble lord hath said, passing this Bill would be a slur upon the Commons. Surely it cannot be esteemed in that light, as they begin it themselves; for if by the Bill's passing their own assembly, the slur be not cast, the enacting so upright a Bill cannot reasonably be judged so. A parliament in the 2d of Henry 8th passed an act to annihilate all the debts the king had contracted upon loans. The reason given by historians is, that it was filled by his majesty's servants, with whom justice had not so much weight, as complaisance to the crown.

The numbers of placemen in that parliament are not specified; but, I believe, they did not amount to near three hundred in both Houses, nor is there mention made of a single pensioner. The parliament stigmatized by the name of the pensionary parliament, proposed an expurgatory oath, to clear themselves from that aspersion, containing many particulars, one of which was, that each member should swear, he had never given his vote in parliament, for any reward or promise whatsoever. I sincerely wish that, to gratify the people, the same, or such another oath, should now be taken; and as the oath proposed by this Bill will, I think, be rather more effectual, therefore I am for the Bill's being committed, and hope it will be passed into a law.

The Earl of *Halifax*:

My lords; unfit as I am to offer my thoughts to your lordships, I shall undertake the task with pleasure, whenever my duty calls me to it. I was in hopes, however, that I should have had no occasion of troubling your lordships to day; I was in hopes, that this Bill, calculated for the independency of parliament, after having received the unanimous sanction of the House of Commons, would not have met with an harder fate within these walls. I must confess, I am in the greatest difficulty, my lords, how to reconcile the opposition it finds, with the warm zeal for the freedom of parliament, and the tender regard to the constitution of it, which your lordships have shewn upon so many other occasions. I am still more at a loss, my lords, when I consider the weakness of argument, and shadow of reason, upon which such an opposition is founded.

Every friend to the Revolution must be zealous for fully obtaining those noble ends proposed by it; but this, my lords, can never be, till the independency of parliament is secured. To gain this essential point must be the wish of every honest heart; and though many difficulties may occur, before the great scheme be complete, yet every step we take against the undue influence of power, still farther removes from us that fatal danger, by which this country may one day fall. We have less to fear, my lords, from a foreign power abroad, than from a ministerial power at home. This the House of Commons is sensible of; and, fearing they have not sufficient security for the independency of their members, desire your lordships' concurrence, to strengthen it, and to enforce those laws already in being, against those notable friends to liberty,

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called pensioners: and shall we, my lords, frustrate the good design? Shall we refuse them the security they ask? and shall not the same reasons that weighed with our ancestors to enact laws, weigh with us for the enforcement of them? were they not, my lords, I should be apt to believe what I have often with concern heard, when I was abroad, that the English have the best body of laws now extant in the world, but want the execution of them.

One objection, my lords, that has been made to the Bill by the noble lord who spoke first, is, that it would multiply oaths. If oaths are ever necessary, it is upon such occasions as these, when a man enters upon the great trust reposed in him by his constituents. We swear to our king; this is an oath to our country. Many men, my lords, will break their words, who dare not violate their oath; and fear has often an effect, when conscience has none. I can easily believe, my lords, that there will be many wicked men in future times, who would betray their trust, evade the acts of parliament, and receive their pension, if they could avoid the penalty due to perjury.—They would hazard their expulsion, so they escaped the pillory.

Another reason, my lords, that pleads strongly with me for this oath of purgation, is the difficulty a House of Commons is like to meet with, in the discovery of their prostituted members. If a future minister should follow the generous example of some of his predecessors, all papers, all necessary informations would be denied, and corruption be as secret as it is destructive. Is it to be imagined, that a man, vile enough unlawfully to receive a pension, would be also weak enough to avow it himself? Knavery and cunning are too often joined, to expect it. Is it to be supposed, that a corrupting minister will ever confess, where he unwarrantably extends his bounty?

It has also been said by the noble lord, that passing this Bill would prove a suspicion of the government. A free people, my lords, must always be suspicious; and liberty must ever be upon its guard. Many, perhaps, my lords, think they have just grounds for suspicion, when a multiplicity of places, a numerous standing army, an increase of taxes, and an immense civil list, have, during so many years of peace, borne hard upon the subject. As to myself, my lords, I am disposed to be much more candid in my opinion; and I wish I could persuade myself, that as such infinite sums of money pass through other channels, there was but little left for the worthy pensioners; but, I fear the case is different. I fear, my lords, it is too easily to be proved, that if his majesty's civil list was exonerated of all unnecessary pensions, he might afford (as queen Anne did, out of a much less civil list) 100,000*l.* per annum, for the support of the present war. Thus every loyal heart, unbribed, unpensioned, would be zealous in his majesty's service; and his throne would be strengthened (if possible, more than it is at present) upon that only true basis of royal power, the affections of his people.

I have ever been, my lords, and I hope I ever shall be, an enemy to corruption; but of all the variety of corrupted, surely pensioners, if there ever are any such in an House of Commons, are the lowest sect. They have no title, no pretence, to the salary they receive. All their merit is their vote: and even that is a disgrace when the freedom of it is lost. They neither serve their country, nor truly serve their king. They are the humble servants to a minister, whose orders they obsequiously obey, whatever be his conduct with regard to his master's interest. Placemen may be honest, but pensioners in the House of Commons never can. They violate the laws of their country, when they are first hired; and when they enter upon their pay, they commence enemies to the public. Those who are bribed, my lords, are far less guilty than such pensioners. Some author I have read, makes this distinction between a pension and a bribe: A bribe, he says, is given for a particular job, a pension is a constant, continual bribe. The jobbers are only a sort of day-labourers: but pensioners are domestic servants, hired to go through all the dirty business of the House. As they receive a minister's wages, I wish they had also worn his livery; and thus the discovery of them had been easily made, without perplexing your lordships with this Bill. The Jews of Rome, my lords, because it is apprehended, so great a number of them may some time endanger the state, as a mark of their religion, are obliged to wear a piece of yellow linen upon their hats. I wish, my lords, we had some such institution for the unlawful pensioners; for as many of the Jews chuse rather to quit the city, than bear about this mark of infamy, so I flatter myself,

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we should have got rid of a considerable number of our pensioners, as soon as their virtuous characters were known by their yellow caps.

I am sure, my lords, I need trouble your lordships no more to prove the dangerous consequences that may accrue to the public, from the violation of our laws against these hirelings. Whether this Bill will be effectual, whether it will entirely stop this channel of corruption, I will not pretend to say: but something must be done: Let us not refuse a good thing, because it is not the best; or be averse to remedying part of the evil, because we cannot get rid of the whole. The freedom of parliament has never been lost or recovered but by degrees; and, if your lordships have a mind to amend and strengthen this Bill, let it be referred to a committee appointed for that purpose. Any thing, my lords, rather than reject the Bill with contempt, as if the independency of parliament were a point not worthy this assembly's consideration. My lords, it is most particularly our care; and though some paltry, venal writers of these days, have endeavoured to palliate and justify the guilt of corruption, nay, even to prove it necessary for the carrying on of government, yet, I am persuaded, that systems so inconsistent with our constitution, have ever been abhorred by your lordships.

However public virtue hath been derided: however the honest support of our country's cause have been misconstrued resentment, spleen, malice, and disaffection, yet patriotism is a virtue that, I hope, will always recommend itself to parliaments, since parliaments can only subsist by it. To give the world a proof that such virtue is still amongst us, let us give our concurrence to this Bill; and thus shall we put it out of the power of future malice to say, that the invidious task of throwing out this Bill was, with success, laid upon us, and that we submitted ourselves to the unpopular burden, too heavy for the Commons.

Lord *Hinton*:

My lords; however unpopular, however invidious it may appear, to oppose this Bill, yet, I think myself in duty obliged to take the task upon me; because, I think it a most unnecessary innovation of our constitution; and an innovation that will certainly be of the most fatal consequence to the morals of the people. It has often been the fate of this House, my lords, to withstand unreasonable prejudices that have been artfully raised among the people; and the more general or violent such prejudices may grow, the more zealous ought we to be for preventing the dangerous effects they may produce, either in the nation or upon our happy constitution. For this reason, so far from yielding to any popular outcry on account of its being general, I shall always be for examining coolly into its foundation, and where I can find no solid foundation, I shall never be for rearing a new fabric, or any addition to the old.

I know, my lords, a great outcry has of late been most artfully raised against corruption; and, I believe, there are many well-meaning men who think there is some ground for it; because it is natural for mankind to indulge their own vanity and self-conceit, by imagining that those who differ from them, especially in politics, are governed by any other motive rather than that of reason; and as corruption is the most obvious motive that can be imputed to those that approve of the measures of a court, therefore those that disapprove of course suppose, that most of their antagonists are influenced by corruption. But this to me is no proof, nor so much as a presumption. It is from court-measures alone that I am to judge; and if those measures have been such as I thought reasonable, I cannot suppose, charity will not alllow me to suppose, that any gentleman in either House of Parliament was, from corrupt motives, induced to approve of them.

This, my lords, is my way of judging: I hope it will be allowed to be a reasonable way of judging; and if it is, I am sure it must be allowed by a great majority of this House, that there is at present no solid ground for the outcry that has been lately raised against corruption. I shall agree with the noble lords who appear so zealous for this Bill, that our constitution may hereafter, and by some changes in the situation of our affairs, come to be in danger from corruption; but, if we were to think of providing against every possible or distant danger that might be suggested by a gloomy and fertile imagination, we should never be a moment at rest, nor our constitution a twelvemonth the same. The noble lord who spoke last has allowed, that the liberties of a country were never lost, but by degrees; therefore he must allow, that our liberties cannot at once be swallowed up by corruption. It must come

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upon us by degrees; and of all dangers to which our constitution can be exposed, that of corruption must make the most slow and gradual approaches. We have already many fences against it, fences which, in our present situation, I think insurmountable; but, if I should hereafter find myself mistaken, I shall be as ready as any lord in this House to add new fences, and to repair the old, in as strong and effectual a manner as possible. This we shall have sufficient time to do, because we cannot but perceive the approach of so dangerous an enemy, by the effect it must have upon one or other House of Parliament; for if we should find the parliament approving of public measures that are in themselves either weak or wicked, we must then suppose, that corruption has begun to break through our former fences, and then, indeed, it will be time to think of providing some new defence.

The present Bill, therefore, can appear necessary to none but those who think, that the parliament has of late approved of some weak or wicked measures of government; and as I am far from thinking so, I cannot agree to the committing or passing of this Bill, especially as I am of opinion, that it would have a most fatal effect upon the morals of the people. I believe, it will be allowed, that there is nothing of more dangerous consequence to the happiness of society, than a general contempt of perjury among the lower sort of people; and we know how ready the lower sort are to follow those examples that are, or which they suppose to be set them by those of superior rank. I am far from supposing, that any gentleman of the other House has a secret pension from the crown, and far less shall I suppose, that if any one of them had, he would solemnly declare upon oath, he had no such thing; but, my lords, it is impossible for any gentleman to guard absolutely against the reproach of malicious tongues, or to prevent that reproach being believed by a great many. There are now, there will always be some gentlemen in the other House, reproached with having private pensions from the crown; and this reproach will always be believed by many without doors. If this Bill should pass into a law, every gentleman so suspected must swear, that he has no such pension. Would his swearing so remove the reproach? No, my lords, it would add to it a new reproach of a much more heinous nature; for many without doors would believe, he swore falsely; and many of the meaner sort, being confirmed in this belief, would, from the example supposed to be set them by a gentleman of such rank and figure in his country, begin to lose that veneration every man ought to have for an oath; by which means perjury might at last become contemptible among the vulgar; and this would of course lay open the flood-gates of all other sorts of wickedness.

From this consideration, my lords, if our liberties were now in danger from corruption, if some new remedy were necessary for putting a stop to that evil, I should nevertheless be against this Bill; because the remedy would bring on a greater evil than that which it is intended to cure. But as, I think, we are at present, whatever may be pretended, in no more danger from pensioners in either House of Parliament, than we are from the Jews in the city of London, I think it as unnecessary to provide any new remedy against the former, as it would be to put yellow caps upon the latter; and I believe, the noble lord himself does not think it necessary, or that it would be proper, to put any mark of distinction upon the Jews that reside in this kingdom: Nay, I believe, he will grant, that the danger apprehended at Rome, which was the occasion of putting a mark of distinction upon them there, was rather imaginary than real; and that it was suggested by that selfish, narrow, persecuting spirit, which clapt tails to the heretics in Spain.

But why, my lords, should we give so much attention to this outcry against corruption, and yet wholly disregard that outcry against resentment, malice, envy, disaffection, and sedition, which prevails among another set of people? For as no man is willing to suppose, that any difference from his opinion proceeds from reason, the friends of the administration are as apt to impute the opposition to these motives, as the opposers are apt to impute an approbation of the government's measures to corruption. For my own part, I am so charitable as to believe, that both sides are governed by their reason; and therefore, if it should be thought necessary to oblige the members of the other House to swear, they had never given their vote in parliament for any reward or promise whatsoever, I should think it necessary, at the same time, to oblige them to swear, they had never given a vote in parliament, out of resentment,

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malice, envy, disaffection, or sedition; for, I think the man, who is under the government of either of these, as far from being a free agent, as he that is under the influence of corruption.

The Earl of *Carlisle:*

My lords; when one considers the nature of this Bill, it is really amazing to find it meet with any opposition in this House. It is so far from being an innovation with respect to our constitution, that it can scarcely be said to be a new law; because the sole intention of the Bill is, to amend and enforce laws that are already in being, and laws too which were made to obviate and prevent a practice that has often been used, and that has always been acknowledged to be of dangerous consequence to our constitution. To pretend that we are not at present in any danger from the private pensions that may be given to members of the other House, must appear absurd to every man, that considers the nature of ministers, or the nature of mankind. My lords, it is a danger we can never be free from, nor can ever sufficiently guard against, as long as it is in the power of a minister to give, or of a member to receive. It is absolutely necessary for a minister to have the consent or approbation of parliament in almost every step of his conduct; therefore, from the very nature of ministers we may suppose, that if he cannot obtain such consent or approbation by his authority, he will endeavour to obtain it by his power; and from the nature of mankind we must suppose, that among such a number of men as are in the other House, the minister will always find some of them ready enough to prostitute their consent or approbation for a considerable bribe or annual pension. Thus we must always be exposed to this danger, and we are now a great deal more exposed to it than ever we were heretofore; because our ministers now have infinitely more to give, and custom or example has, I am afraid, greatly added to the number of those that are ready to receive.

This, my lords, the gentlemen of the other House are fully sensible of, and therefore they have endeavoured, by this Bill, to add to the strength of those laws, which were made for guarding against a danger that has greatly encreased since the last of them was enacted. By this Bill there is no alteration made in our laws or constitution: there is no man excluded from having a seat in the other House, but those who, while they sit there, are guilty of a continued breach of the laws of their country, and would certainly be not only expelled but prosecuted, if their crime could be discovered and proved. By the very Act of Settlement itself, my lords, it was expressly enacted, amongst other things, that no person having a pension from the crown should serve as a member of the House of Commons; and though this clause was in general repealed, by an Act of the 4th and 5th of queen Anne, yet it was then again thought so reasonable to exclude pensioners from having seats in the other House, that it was anew enacted, that no person having any pension from the crown during pleasure, should be capable of being a member of any future House of Commons; and by an Act of the first of the late king, this incapacity was farther extended to all persons having any pension from the crown, for any term or number of years, either in their own names, or in the name of any other person in trust for them, or for their benefit. Thus your lordships see, that by the laws now in being all persons who have pensions from the crown during pleasure, or for any term or number of years, are rendered incapable of having seats in the other House; and by these laws great penalties are inflicted upon those, who presume to break through them. But as no provision has been made by either of these laws for discovering secret offenders, and as every man must be sensible that such pensions may be given privately, the gentlemen of the other House have thought it necessary, and, I hope, your lordships will think it necessary, to provide the best remedy that can be thought of for this defect, which is the chief, and indeed the sole intention of this Bill.

I cannot help, therefore, being astonished at its being pretended, that this Bill will occasion any alteration or innovation in our constitution; and there is nothing convinces me more of the necessity there is for passing it, than the circumstances of the noble lords, who, I find, oppose it. To the honour of the administration in the first year of the late king, I must observe, that the law past at that time, for excluding pensioners from the other House, was introduced by a secretary of state, and approved by most of those in the administration; and it was prudent and right in them to do so. A minister that has no intention to make use of bribery and corruption, has no occasion to oppose any

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Bill that can be thought of for preventing such infamous and illegal practices; and therefore, when I find such a Bill opposed by those who are the known friends of a minister, it will always be a prevailing argument with me, not only to think that there is a present and pressing necessity for such a Bill, but also to think that the Bill proposed will be in some measure effectual. Whether the Bill now before us will be altogether effectual, is what I shall not pretend to determine; but I am convinced, both from the nature of it, and from the opposition it meets with, that it will have some effect. It will at least raise the price of prostitutes, because the more risk a man runs, the higher wages he will of course expect; and the higher you raise the price of those who are liable to be corrupted, the more difficult will every future minister find it to corrupt; so that at last you may render the practice impossible, notwithstanding the many and great boons our ministers have now to bestow; and then they must think of gaining the consent or approbation of parliament by their authority in persuading, and not by their power in corrupting.

But suppose it were your lordships' opinion, that this Bill would be altogether ineffectual, can this be a reason for not committing it? If the intention of the Bill, if the principle upon which it is founded, be right, the imperfection of it is no reason against committing it; because in the committee you may alter and amend it, so as to remove every imperfection: therefore, I must think, that the noble lords who oppose committing it, disapprove of the principle upon which it is founded, and, indeed, most of their arguments seem to tend that way. Such a Bill's having been rejected by this House in former sessions, is no reason for our rejecting it in this. Some of the best laws that were ever made, have at first met with the unlucky fate of being rejected. The Triennial Bill was at first rejected by this House, and yet the very next session it was approved of and passed by this House; and though it was at that time rejected by the crown, yet in the next following session, it met with the approbation of the three several branches of our legislature, and was accordingly passed into a law. That law, it is true, has been since repealed, but nevertheless, it has always been deemed by a great majority of the nation, to be an excellent law; and many of those who joined in the repeal of it, I believe, now heartily repent of their having done so. But the very repeal of that law is a strong argument in favour of the Bill now before us; for the longer the term is, for which the representatives of the people are chosen, the greater security ought the people to have, that those representatives shall not, from any selfish view, betray the interest of their country in parliament.

To pretend, my lords, that we ought never to think of guarding against pensioners in the other House, till we find the majority of that House approving of some weak or wicked measures of government, is the very same with saying, that no man ought to think of repairing his house, till it has tumbled down and overwhelmed him in the ruins. Will pensioners ever acknowledge, that they have agreed to any weak or wicked measure? Will a pensioner ever agree to give up the only tenure by which he holds his pension? and if the majority of the other House should once come to be pensioned and corrupted, could it be expected, that such a House of Commons would ever concur in passing any law against pensioning and corrupting? I can freely declare that, in my opinion, many things have of late years met with the approbation of both Houses of Parliament, that very little deserved it. I believe there are very few lords in this House, that will now approve of every thing that has, for these twenty years past, been approved of by parliament; and therefore, if every lord makes this the standard for his opinion of this Bill, I have no great doubt of its meeting with the fate it deserves. Whether the undeserved approbation some late measures have met with in parliament was owing to the number of pensioners in the other House, I shall not pretend to determine: I shall not even pretend to affirm, that there are at present any pensioners in that House; but when we see members obtaining very great and lucrative posts for their brothers, sons, or distant relations, it cannot but occasion a suspicion, that they have a fellow-feeling in the salary or perquisites; and this suspicion is a good reason for passing this Bill. But suppose there were no such suspicion: suppose we were absolutely certain that there are at present no pensioners in the House of Commons, there is a possibility, nay a very great probability, that there will be such, as soon as we have the misfortune to fall under the government of a prince, or administration of a minister, whose projects

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or schemes cannot be supported by reason; for every one must see, that the laws in being are not sufficient for guarding against the mischief.

By the laws now in being, my lords, it is made criminal for any man that accepts of a pension to keep his seat in the other House; but those laws have provided no method for discovering and proving that crime; and as a pension may be given, as infamous pensions are generally given, without allowing any person to be privy to it but the corrupter and the corrupted, if you have a mind to prevent the practice as far as lies in your power, you must put it to the oath of one of the parties, which is the design of this Bill. I shall not say, that method will be in every case effectual; I shall admit, that some pensioners may be abandoned enough to add perjury to their treachery, and to declare upon oath, they have no pension, in that very assembly where they earn their infamous wages, and perhaps in the very face of him, who pays them. But what is proposed by this Bill is, my lords, the utmost you can do: it will be a sort of Test-act upon pensioners; and surely those who are so solicitous about keeping the dissenters in subjection to a test-act, cannot refuse to subject those who are suspected of being pensioners, to the same method of purgation.

The Test-act against Dissenters, my lords, was never yet thought sufficient for preventing occasional conformity; and yet, no true lover of the Church ever thought it ought, for that reason, to be repealed. The test designed by this Bill against pensioners, may not, perhaps, be sufficient for keeping all of them out of the House of Commons; yet, no true lover of our constitution can, for that single reason, think, it ought not to be imposed. It will have some effect: I believe it will have a very great effect; because of the danger a man must, in this case, run, by taking a false oath. The revenue of a gentleman, who is no trader or gamester, is generally pretty well known; and his yearly expence may be pretty nearly guessed at by his neighbours and servants. This, upon a strict enquiry, will always afford a strong presumption against him; and, as the person that pays him his pension, may afterwards turn evidence against him, he can never be absolutely secure against a conviction, which will, I believe, terrify most men from being guilty of the crime.

I find some lords are, upon this occasion, extremely apprehensive of corrupting the morals of the people, by a multiplicity of new oaths: I wish the same apprehensions had prevailed, when such an infinite number of oaths were contrived, for collecting our customs and excises. Most of those oaths are to be taken by multitudes of people, and in cases where there are great temptations for perjury: the oath now proposed, is to be taken by none but members of the other House, and the temptations to perjury can never be great or frequent, but when our constitution is in the utmost danger. It is therefore something strange, that we should be so little apprehensive of corrupting the morals of the people by a multiplicity of oaths, when we are contriving methods for preserving the revenue of our sovereign, and so very apprehensive of the like effect, when we are contriving methods for preserving the constitution and liberties of our country. A foreigner upon considering this behaviour would be apt to judge, we had very little concern about the latter, provided we could but enjoy a share of the former; and if we should reject this Bill, without much better reasons than I have yet heard against it, I fear, most of our own people will join in forming so false an opinion of this honourable and august assembly.

Your lordships must be all sensible, how prevalent the jealousy is at present, of there being a great number of pensioners in parliament: the gentlemen of the other House have endeavoured to allay that jealousy, and to vindicate the honour of their assembly, by sending us up this Bill. If it should be thrown out here, what will the nation think? Will it not be generally supposed, that it is in this House where the number of pensioners prevails, and that here the pensions have their most infallible effect? or, perhaps it will be supposed that there are pensioners in the other House as well as in this, but that the pensioners in the other, for the sake of recommending themselves to their constituents, had leave from their masters to agree to this Bill, because those masters knew they could depend upon the number and submission of their pensioners in this, for throwing it out. I am very sensible my lords, there is no real ground for either of these suppositions; but those without doors, who do not know the reasons upon which your lordships proceed, when they find a Bill rejected which makes no alteration in our constitution, which does not so much as make an alteration in any former law, which contains nothing but an enforcement

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of the laws in being against pensioners; such persons, I say, may think they have reason to make one or other of the suppositions; and should not we be extremely cautious of giving the least shadow of reason for judging so unworthily of our assembly?

I do not know, but that some of your lordships may be of opinion, that the laws now in being, for excluding pensioners from the other House, are inconvenient, and therefore wish they were repealed: if they are so, let them be repealed: for we ought not to sit here, and suffer any laws to remain in force, that are inconvenient to the society. But, if they are not inconvenient: if they are necessary for guarding our constitution against corruption, the most dangerous, because it is the most secret enemy to a free state, they ought to be enforced, they ought to be rendered effectual, by all the methods that can by the wit of man be invented, or by human power exercised. In cases of such a secret nature we must, we ought to call the divine power to our assistance, by interposing the religious solemnity of an oath. By interposing an oath, my lords, in matters of great consequence, and which cannot frequently occur, we shall never render the solemnity familiar and contemptible; and where is there a matter of greater consequence, on this side the grave, than the preservation of the constitution of our government, and liberties of our country? It is by interposing an oath in trivial matters, in such as frequently occur and chiefly affect the meaner sort, that we render the solemnity familiar and contemptible to the vulgar, and I wish the invention of some of those who are supposed to be no friends to this Bill, had, in this respect, been less fruitful.

My lords, as the laws now in being, for excluding pensioners from the other House, must, to every man that considers them, appear to be altogether ineffectual, if this Bill be rejected, I shall, even in my time, if I live but a very few years, expect to see the other House full of pensioners. I shall expect to see a minister in that House, out of a wantonness of power, by his sole No, throw out a Bill of the utmost importance, without deigning to give his slaves so much as one reason for what he obliges them to do. This, indeed, if it should ever happen, I shall look upon as a sign of his power, but not of his prudence; and, I may prophesy, that if ever a minister should get such a power over the other House, his power in this will be as absolute, and equally insolent.

The Earl of *Cholmondeley:*

My lords; I shall always be as ready as any lord in this House, to enforce the laws now in being, for excluding pensioners from having seats in the House of Commons: I shall readily concur in any method that may be proposed for that purpose, provided it be such a one as I think consistent with our constitution; but when the method proposed evidently tends to the overthrow of that constitution, which we all shew, and I hope sincerely, so warm a zeal for preserving, I hope I shall always have virtue and resolution enough to give it my negative, let the consequence be what it will. If the laws now in force, for terrifying a pensioner from keeping his seat in the other House, are not sufficient, I hope some method will be found out for rendering them so, without giving such a power to the other House, as must soon overturn our constitution, which, I think, would be the certain effect of the Bill now before us; for it would shew very great imprudence, as well as great ignorance of our constitution, if we should expose ourselves to a new danger, for the sake of avoiding a danger of a different nature, which we are already pretty well, if not effectually, guarded against.

By the law of the 4th and 5th of queen Anne, my lords, mentioned by the noble lord who spoke last, it is enacted, That if any person having a pension from the crown during pleasure, shall sit or vote in the other House, he shall forfeit 500*l.* to such as shall sue for the same. And by the act of the 1st of his late majesty, likewise mentioned by the same noble lord, it is enacted, that if any person having a pension from the crown, for any term or number of years, either in his own name, or in the name of any other person in trust for him, or for his benefit, shall presume to sit or vote in the other House, he shall, in such case, forfeit 20*l.* for every day in which he shall so sit or vote there, to him who shall sue for the same.

These penalties are so high, that in my opinion, my lords, no gentleman of fortune will run the risk of incurring them, for the sake of any pension the crown can bestow; and we know, that none but gentlemen of fortune can be chosen members of the other House. For this reason,

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notwithstanding the suspicions that prevail, and are most industriously propagated, without doors, I cannot think, that there are at present any pensioners in the other House; and, indeed, from the very nature of things, I am convinced of it. No prince, no minister, will ever give a pension, for the sake of engaging a man's vote in parliament, unless there be an absolute necessity for so doing; and whilst a prince, or minister, desires nothing of parliament, but what is reasonable, and agreeable to the public interest, there can be no such necessity; for however much some men may be actuated by malice or disaffection, as long as the administration pursues no measures, but such as are necessary for securing the happiness of their country, I hope they will always find a majority in both Houses of Parliament, ready to approve of such measures, without any pension or reward. This has, in my opinion, been the case, I shall venture to say, ever since the accession of our present royal family; our ministers may, perhaps, have thought of some measures that were disagreeable; but as soon as they found they were so, they have always given them up: and some things have, perhaps, afterwards appeared not to have been so right; but at the time they were resolved on, they appeared otherwise; and our parliaments will, I hope, be always ready to forgive human frailty, in all cases where no neglect or oversight can be imputed to the authors or actors.

This, my lords, is my opinion of our late conduct, and therefore I cannot suppose, that there are at present any pensioners in the other House, or any pensioner in the nation, but such as are entitled to it out of charity, or such as have merited it by their past services to the public. I shall admit, that a prudent man will take care to repair his house before it tumbles about his ears; but a prudent man will not put himself to the trouble and expence of repairing his house, when no flaw or defect appears in any part of it; and if it should ever appear from experience, that our laws for excluding pensioners from the other House, are in any respect deficient, I hope those who have a regard for the liberties of their country will take the alarm, time enough to get that defect remedied, before the most artful minister can secure such an abandoned majority of pensioners in the other House, as to render the cure impossible; for it is an old maxim, 'Nemo repente fit turpissimus,' and this maxim may be applied to an assembly, with as much, if not more justice, than to any single man.

But suppose, my lords, I were convinced, that these laws had by late experience been found deficient, I should nevertheless be against the method proposed by this bill for removing that defect; because I think the remedy more dangerous than the disease. Our constitution, my lords, and the happiness of it, consists in an equal mixture of three principal forms of government; and therefore, no new regulation ought to be made, that visibly tends to destroy that equality, or that balance, upon which our constitution depends. We have as much reason to avoid every thing that may tend to the introducing of a republican form of government, which generally ends in an absolute tyranny, as we have to avoid those things that may tend to the introducing of an absolute monarchy. In all such cases we should consider, that we are steering between Scylla and Charibdis; and that by too cautiously avoiding the one, we may make a wreck of our constitution upon the other. For this reason, we ought of all things to be cautious of vesting any new and distinct powers in the other House; and as this bill vests in them a new power, which they are to exercise separately and distinctly by themselves, and without the concurrence of either of the other two branches of our legislature, I think it would expose us to the danger of falling under a republican form of government, and consequently, an absolute tyranny, a great deal more than we are at present exposed to the danger of falling under an absolute monarchy.

I know, my lords, that great endeavours have of late been used, to persuade the people, that there is a great number of pensioners in the other House, and as those of an inferior rank are naturally suspicious, as well as envious of their superiors, these endeavours have, I believe, succeeded with a great many, so as to make them fond of this Bill. As their penetration is not generally very extensive they do not see the fatal consequences it is attended with; and, therefore, they suppose, that none but those who pay or receive pensions, can be against it. I am, therefore, sensible, I undertake a very unpopular task, when I oppose this Bill; but I disdain a slavish popularity, as much I should disdain a slavish submission to the pleasure of any prince or minister. The

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favour of the people may, I know, be acquired by humouring the prejudices, as well as the prince by his passions; but this sort of favour is, in neither case, of any long duration. The people by their prejudices, as well as the prince by his passions, generally soon lead themselves into some misfortune; and as soon as this happens, the parasite, in both cases, becomes hateful and contemptible.

For this reason, my lords, we ought in no case that comes before us, to give ourselves any concern about what the people may think without doors. We ought to consider only the circumstances of the case, as they appear to us; and when we do this deliberately, and resolve accordingly, the people without doors, as soon as they have had time to hear and consider our reasons, will generally approve of our resolutions; and will then begin to hate and despise those, who endeavoured to prepossess them with a bad opinion of either House of Parliament.

The Duke of *Argyle:*

My lords; we are now upon a bill for putting an end to, or at least preventing one sort of corruption in the other House; and from the opposition the Bill meets with here, and the imaginary dangers that are suggested for supporting, or rather excusing that opposition, those who are not personally acquainted with the noble lords, who have spoke upon that side of the question, would, I think, be apt to suppose that opinion to be, either that corruption is now become a necessary evil, without which the forms of our government could not be preserved, or that it is an evil of very little consequence, and not at all inconsistent with the substance of a free government. Corruption, my lords, has always hitherto been allowed to be vile, to be dangerous. I have, for my own part, discouraged it in all stations: I shall always disdain the obedience, or the parasitical sort of assent that is to be gained only by corruption; and I have always been sorry, when I observed it was not equally discouraged by others; for if it were no way encouraged by those in high stations, it would never be possible for the mode in any country to cover that infamy, which naturally attends the corrupted; nor would the quality of the offender ever atone for the wretched meanness of the offence.

I need not trouble your lordships with explaining what is, in this country, meant by a legal administration: Every one knows what it is; and every one knows, that it may be easily supported without corruption. Ministers, my lords, (for according to our constitution, we ought always to have a great many of them) that have nothing in view, but the public happiness, and who have wisdom and discernment enough to pursue that steadily, may despise the assistance or approbation of those, who assist or approve, only because they are paid for so doing. Such an administration will always have the majority of the nation of its side, and consequently may, without any corrupt means, have always a majority in parliament. Therefore, a legal and a wise administration can never stand in need of corruption, for the exercise of any of its functions; but an illegal one, an administration consisting of one sole and arrogant minister who will admit of no partner or assistant, but such as implicitly submit to his direction, can never be supported without corruption: It is against law, and against law it must be supported. Under such an administration, indeed, the forms of our government cannot be preserved, without evading or violating our laws against corrupt practices; but under such an administration, while it lasts, the substance of our constitution must be suspended, and we had better be without the forms; for preserving the forms of a free government will only serve to lull and keep the people asleep, till their chains are rivetted, and till one sole minister has so firmly established his power, that it may be easily transmitted to, or taken up by another. Many of our princes, and their sole ministers, have in vain endeavoured to establish an arbitrary government, without the assistance or shew of a parliament. They have endeavoured to do it by open force, and by open force they have been all disappointed, and the ministers often hanged; but by the slow and silent approaches of corruption, especially now the crown has got such a variety of means in its power, an arbitrary government, more destructive and more expensive than the other, may be established by the authority, and supported by the shadow of a parliament; for if a prince or his sole minister, should ever have it in his power to have always a corrupt majority in each House of Parliament, a British parliament will be no more than a Turkish divan.

Corruption is therefore, my lords, of all dangers, the greatest our constitution

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can be exposed to, and the most to be apprehended. Its approach is imperceptible, but its blow, if not prevented, is fatal; and you cannot prevent its blow, unless you prevent its approach. The laws now in being for excluding pensioners from having seats in the other House, were designed as a safe-guard against corruption's entering, in one shape at least, within the walls of that House; and when we are considering, whether those laws ought to be enforced, we have no occasion for examining into late measures, or for supposing that any late practices have been made use of for corrupting the members of either House. We have now as much reason to guard against the approach of corruption, as we had when those laws were made; therefore, we are now to consider only the laws themselves, and if they appear insufficient, they ought to be amended, whether any corrupt practices have lately been made use of or not. That these laws are insufficient for the end intended, must, I think, plainly appear to every one that peruses them. There are penalties, it is true, inflicted upon pensioners that shall presume to sit or vote in the other House; but it is evident that those penalties can never be recovered, because the fact can never be proved. A pension or a bribe may be given in such a manner, that even he who gives it, can be no direct witness against the receiver; and it is always given in such a secret manner, that the criminal may have good reason to think, his crime can never be discovered. For this reason, no penalty you can inflict, will ever have a great effect; and this makes it necessary, in cases of suspicion, to require an oath from the party suspected.

I shall not say, my lords, that the oath required by this Bill will have all the effect that could be wished. There may be some so abandoned, as to despise the religious ceremony of an oath; but it will have an effect upon a great many; and even the most abandoned will be shy of denying their having a pension upon oath, in the very face, perhaps, of the man who pays them their pension. Nay, even prudence itself will make men shy of being guilty of perjury, lest the concealment of their crime should afterwards be imputed to them as a favour, and made use of as a handle for obliging them to do as much dirty work afterwards without a pension, as they had done before for the sake of a pension. It is an old and a true proverb, that when I trust a man with my secret, I make him my master: An avaricious, or an extravagant, necessitous man, may accept of iniquitous wages from a minister, and yet he would not, perhaps, chuse to be such an absolute slave to that minister, as he must be, should he put it in his power to convict him of perjury. Therefore, the oath prescribed by this Bill, will certainly have a very great effect; and as the laws proposed to be enforced by this Bill, evidently appear to be insufficient, this method of enforcing them ought to be chosen, at least till a more effectual one can be thought on.

What the noble lords mean by present danger, when they say we are in no present danger from corruption, I cannot comprehend. My lords, it is an evil we always have been, and always must be in danger of. It has often been practised, it always will be practised, as often as ambition in a prince, or wickedness or weakness in a minister, renders it necessary for him to have recourse to such an infamous practice. We may sometimes be said to be in no present danger of an invasion, yet would he not be looked on as a madman, who should make that an argument for not repairing our navy, especially if, upon enquiry, it should appear to be unfit for service?

Without finding fault with any late measures, without accusing any one in the administration, I will affirm, my lords, that we are now in greater danger from corruption, than we were either in the 4th and 5th of queen Anne, or in the first of his late majesty's reign; for the more power the ministers of the crown have to corrupt, whether they make use of that power or no, the more danger we are in from corruption; and every one knows, that the ministers of the crown have now a much greater power to corrupt, than they had at either of those periods. This should make us resolve in time, to take all the methods that can be thought of for guarding against the use of that power; for it is already so great, that if we should have the misfortune to fall under a prince or administration that will make use of it, I fear, it would then be impossible for us to guard against it. On the contrary, if the means of corruption now in the power of the crown, should be thought insufficient for securing a perpetual, corrupt influence over both Houses of Parliament, such an administration would take hold of every grievance, every war, every misfortune,

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the nation could be exposed to, for encreasing those means, in order to render the effect infallible; and unless a most extraordinary spirit of virtue, as well as jealousy, should begin to exert itself, I am afraid, it would be impossible, as the laws stand at present, to prevent their success by any legal or peaceable method. For this reason, my lords, I look upon the present question to be a sort of trial of skill, the fate of which is to determine, whether or no our constitution is hereafter to be destroyed by corruption, and the people reduced to the fatal necessity of endeavouring to restore it by the sword. If this should ever come to be the unlucky fate of this nation, those who now oppose our making use of legal means for preserving our constitution, whilst it is yet in our power, will have no great reason to rejoice in their past conduct.

Let us consider, my lords, the vast sums of money that are now at the disposal, or under the direction of the crown; the infinite number of lucrative posts, places, and employments, most of them unknown to our ancestors, now depending upon the sole and arbitrary pleasure of the crown; and the great variety of penal laws, by one or other of which the most innocent may be made to suffer, the most cautious may be entrapped, and from which the most guilty may be screened, by virtue of that dispensing or mitigating power, which, with respect to many of them, is now lodged in the officers of the crown: Let us, I say, my lords, consider these things, and we must acknowledge, that the present danger we are in, of having our parliament converted into a Turkish divan, is far from being imaginary; and when we are under such well grounded apprehensions, shall we rack our invention for visionary dangers, in order to excuse our agreeing to any method for guarding against a danger so real, and which may, upon the first change of ministers or measures, become inevitable and irresistible?

I must confess, my lords, I do not know what the noble lord means, when he says, the balance of our constitution will be destroyed by means of that separate and distinct new power which, by this Bill, is lodged in the other House. I do not know of any power that is by this Bill to be lodged in the other House, but the power of turning a man out, that ought not, that cannot by the laws now in being, sit or vote there; and this is a separate and distinct power which that House now enjoys, and which has been always allowed. This Bill can, therefore, make no alteration in what the noble lord calls the balance of our constitution: but if by this Bill, or some such Bill, we do not prevent corrupt and mercenary slaves from entering into that House, I can foresee where the balance of our constitution will soon come to be: It will soon come to be lodged in the pocket of the prime minister for the time being; and if our liberties and privileges depend upon that balance, they will then be lodged in the same place, which, in my opinion, is the worst repository they can be lodged in.

I therefore hope your lordships will, by passing this Bill, take care that no prime minister shall ever be able to get the balance of our constitution into his pocket; but I must here observe, that what is called the balance, and, indeed, the security of our constitution, consists not in the power which any of the three branches of our legislature has over itself, or any of its own members, but in no one of them having a power over either of the other two. As the three branches of our legislature are distinct, they ought to be independent; at least they ought to have no dependency, but what proceeds from the public good, and the mutual happiness of the three; for if any one of them should ever, by force or corruption, get the absolute direction or command of the other two, our constitution will then be undone, though the forms of it might, perhaps, be preserved, in order to deceive the vulgar and ignorant. This is the misfortune intended to be guarded against by this Bill; and it is not of late years only, that this good intention has been set on foot. In the end of the late queen's reign, there was just such another Bill brought into this House, which at that time met with so good a reception here, that it was thrown out but by one vote; and its meeting with that fate was occasioned by the fault of one noble lord, who, at the time the question was put, happened to be in the court of Requests, buying a penknife, with two proxies in his pocket.

I shall acknowledge, my lords, that I do not think the Bill now before us so perfect as it ought to be; but all its defects may, I think, be easily remedied by proper clauses and amendments in the committee; and if your lordships go into a committee upon it, I shall contribute the little I can towards making it a perfect Bill: I shall probably offer some clauses, and particu-

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larly I think, it will be necessary to add one for punishing the corruptor as well as the corrupted. It is criminal to receive, but much more criminal to give a bribe, and therefore the latter ought to be more severely punished: the very attempt ought to be severely punished; and this, perhaps, would be as effectual a method as any, to prevent the committing of the crime; for if it were made penal to offer, directly or indirectly, to give or receive a bribe, or corrupt pension, the practice would become extremely dangerous, because he that offers cannot be beforehand assured, that the other will not, instead of accepting, become an evidence against him. In short, my lords, if the Commons were serious, when they passed and sent us up this Bill, we ought to assist them as much as we can in purging their assembly, or at least, in keeping it clean from all corruption. Whether they were serious or not, is, indeed, what I shall not determine; for I must confess, I have some suspicions, when I consider, that this Bill was passed unanimously in that very assembly, which soon after disagreed to a motion for bringing in a Bill to exclude placemen from having seats in their House. There is such an affinity between a pension and a sinecure place with a good salary, depending upon the pleasure of the crown, that I am not quick-sighted enough to discern the difference; and therefore, I cannot see the reason, why any member of the other House that was seriously resolved to exclude pensioners from that assembly, should disagree to the bringing in a Bill for excluding at least some sorts of placemen. But, my lords, if the other House, or any part of it, was not serious when they passed this Bill, I think we should make them so, by sending it back with such additions and amendments, as they can find no shadow of reason for disagreeing to. By this means, we may get a Bill passed into a law, which will be of infinite service for securing our constitution, and which we could not, perhaps, have got their concurrence in, if the Bill had been first modelled and brought in here.

The Bishop of *Salisbury*:

My lords; as this Bill, or a Bill of the like nature and tendency with this, has been often before us, and as often rejected, as it has been brought into this House, I have several times had an opportunity to give my sentiments upon it. I have always given my vote against it, and have before given my reasons for so doing. My opinion is still the same, because my reasons have never, I think, been answered; nor has the least care been taken in the forming of this Bill, or in its progress through the other House, to obviate any of those objections that have formerly been made against Bills of the same nature; therefore I am convinced, that every lord in this House remains fixed in his former opinion; and from thence one may judge of the fate this Bill may probably meet with here.

I could declaim against corruption, and the dangers we are exposed to from that quarter, though not with so much eloquence, yet I hope with as much zeal and sincerity as any lord in this House; but corruption, my lords, is not, nor ought it, I think, upon this occasion, to be the subject of our discourse. It is, I know, a popular topic: it is a crime which those without doors are always ready, without the least shadow of reason, to lay to the charge of those within; and therefore those without, who are by far the most numerous, are always delighted, when they hear it inveighed against, without considering whether it be properly brought into the debate. The Bill now before us has, it is true, the resemblance of being a Bill against corruption; but under the specious pretence is concealed a most dangerous attempt, to establish in the other House a distinct power, which may render them altogether independent of, and consequently superior to the other two branches of our legislature. Upon such occasions, my Lords, we ought to consider, that all usurpations have been founded upon the most specious and plausible pretences; and I shall readily grant, that the other House could not have thought of a more specious or plausible pretence for acquiring to themselves a new and dangerous power, than that of preventing corruption; but I hope your lordships will see through the disguise, and prevent our constitution's being caught in the snare.

If the other House were by this Bill to acquire no new powers, the principal objection I have formerly made against such Bills as this would, indeed, be removed; but, my lords, it is evident, that they are, even by this Bill, to acquire a new and a distinct power. The members of that House are all to declare and give an account of every gratuity, reward, or present, they receive from the crown. Is

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there no use to be made of this declaration? If it should be turned to no use, why should it be made? Why should the necessity of making it be imposed upon any man in the kingdom? If an use is to be made of it, by whom is that use to be made? Why, by the other House, in a distinct and separate capacity, and without the concurrence of either of the other two branches of the legislature. Nay, they are to become superior to the chief branch of our legislature, to the crown itself; for they are to judge of the actions of the crown, and may determine that a well-merited reward given by the crown for the most eminent public services, was a corrupt reward given for a gentleman's corrupt behaviour in their assembly. Is not this, my lords, a new and a most dangerous power? It is, in my opinion, a power absolutely inconsistent with our constitution; for if the other House should once render themselves superior to the crown, they would of course become superior to this House likewise, and would soon engross, as they have done before, the whole power of our government. They would either vote this House useless, as they have once done already, or they would render it insignificant, by making it entirely subservient to them.

Thus, I think, it is apparent, that our happy constitution would be brought into greater danger by this Bill's being passed into a law, than it is in at present, or can ever well be, from corruption. But, my lords, how does this Bill guard against corruption? In my opinion, not in the least. The members are to declare upon oath every gratuity or reward they receive. If that gratuity or reward should be paid and received from a corrupt motive, will this ever compel a discovery? Can we suppose, that a wretch so abandoned as to betray and sell his country for a small reward, will ever have any regard to an oath; especially in cases where it is allowed, there is no probability of convicting him of perjury? We may as well, I think, make a law for obliging a suspected man to swear, that he has never robbed upon the highway. I hope, I shall be allowed to shew some regard for religion, by refusing to prostitute the sacred solemnity of an oath, in cases where it is almost certain, a man will rather perjure himself than confess his guilt. The laws of this kingdom have always been extremely cautious of subjecting a man to an oath, in any case where his interest may be concerned. By the common law it is never done: Even in equity, frauds only are discoverable by the oath of the party; for if a man be in any danger of subjecting himself to a penalty, he is not obliged to answer: and even as to frauds, we seldom find any discovery made, except in cases where the defendant is suspicious of the plaintiff's having some latent proofs against him. In this case, therefore, as in all others of the like nature, an oath will be no check upon wicked men, who are ready to sell their country for a bribe or corrupt reward; and it may be a trap for the honest and virtuous, who have served their country faithfully and effectually, and have most justly received from the crown a small reward for their service.

But suppose, my lords, there were in this case no such danger; yet surely every oath that is imposed by an express law, ought to be such a one as may be understood by those that are to take it. The oath proposed by this bill is, I think, such a one as can be understood by no man. Gratuity or reward are words so vague and indeterminate, that no man can tell what to make of them. It is extremely difficult to settle the boundary between a favour and a gratuity; and the favours that may be conferred by the crown upon the subject, are so various, and so frequent, that there would be no end of declaring them, nor any possibility of determining what was a favour, and what a gratuity. A post given to a gentleman's brother or son, nay, even to his footman, at his request, might be interpreted as a gratuity; and would very probably be so by the other House, in case the majority of them did not like his face, and he had for some time neglected to declare it. This would introduce so much confusion, and is apparently so inconvenient for every gentleman that has, or may have, the honour to be a member of the other House, that, I am persuaded, they would never have agreed to a regulation so inconvenient, and at the same time so ineffectual for the end pretended, if they had not had some other view than merely that of preventing corruption.

Whether they were serious or not in passing this Bill, can be of no consequence, my lords, to us. If it were a good bill, I should be for passing it, whether they were serious or not. But, as I think it a bad bill, as I think it a regulation altogether ineffectual for the end pretended, and very dangerous with regard to the end which I suppose to be con-

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cealed, therefore, I shall be against its passing, without considering in the least, whether or no the other House, or any number of them, was serious in sending it up. If your lordships think, we have now any just apprehensions from corruption: If we are in any present danger of having a majority of the other House made more subservient to the crown than they ought to be, by pensions and pecuniary rewards, any one that thinks so may present a Bill, or you may order the judges to bring in a Bill, for obviating that danger; but the Bill now before you is not only so imperfect, but so improper for attaining that end, that I think it impossible to make any thing of it in the Committee: and therefore, I shall be against our taking up our time, which may be otherwise so usefully employed, with going into a Committee upon it.

For my own part, my lords, I do not think, we are in any immediate danger from corruption: I do not think, we can be in any such danger, while we enjoy the happiness of having his present majesty upon the throne. He will never ask, he will never allow his parliament to be asked to do any thing, but what is necessary for the public good; and for such purposes no pension or gratuity to any of the members will ever be necessary, unless faction, sedition, and disaffection should get possession of a great majority of the nation, which, I hope, will never be the case. We have, therefore, no immediate call to contrive any new barriers against corruption, and if any of his majesty's successors should form ambitious views against our liberties, and think of rendering those views successful by corruption, the barriers we have already, will, I hope, be able to defend our liberties against such attempt, till our posterity can raise new and more effectual barricades against the approach of that political distemper.

I hope, my lords, I shall always be as jealous of the liberties of my country as any reasonable man ought to be, and I confess, we ought always to look with a jealous eye upon the new projects formed by ministers: but there is another set of men, upon whom we ought likewise to look with a jealous eye, and that is, those gentlemen who, under the pretence of preserving or securing our liberties, are for new modelling our constitution, at a time when there is no apparent, much less an imminent danger. Securing our liberties has been before now made a pretence for destroying them, and the vulgar and ignorant are always fond of every thing that is new, which has too often rendered such designs successful. The Bill now before us, I think, I have some reason to consider in this light, and the more so, because of the motion that was since made in the other House, for excluding all placemen, except a very few, from having seats in that assembly. Both these regulations were, I find, promoted by the same men; and if both had succeeded, our happy constitution would have been brought into the most imminent danger; for the crown would then have been under a necessity of employing none but persons of low rank in its service, which would of course have rendered the service contemptible, and might very probably have produced such a civil war as we had, but last century, between our sovereign and his parliament. A noble historian has observed, that, in king Charles the first's time the arts and clamours of the disaffected party at last so far prevailed, that it became scandalous to serve the crown, which so weakened the hands of the crown, and so much exalted the power of the leading men in the other House, that they involved their country in a bloody and destructive war, overset our monarchy, and at last turned your lordships out of doors. These wicked designs began to be formed in the year 1640, and if these two new regulations had met with success, I should have had the sorrow to suspect, that some such designs were now in embryo; but thank God, one of them was defeated, upon its first appearance, in the House of Commons; and, I hope, the other will be defeated by your lordships.

Lord *Carteret*:

My lords; it signifies nothing to make declamations against corruption, unless we do something against it. I believe, no man ever yet ventured to declaim seriously in its favour; but many have declaimed powerfully against it, and yet, at the same time, have as powerfully, and much more effectually recommended it by their practice. The people without doors will but little regard what we say against corruption; but the example of this House will have a great effect. Let us convince them by what we do, that no lord of this House is guilty of being corrupted, which I am convinced is the case, and the crime will sink by the weight of its own infamy. But if your lordships, by rejecting this Bill, should raise but a suspicion, that any of

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you are guilty, that very suspicion will give countenance to the low tools of corruption; and your supposed example will establish and propagate a real practice.

I am extremely sorry, my lords, to hear his majesty's name mentioned upon this occasion. I would not be so unjust, even to his majesty's ministers, as to attempt to vindicate them upon such an occasion; because a vindication always supposes some previous reproach. The confidence we have in his majesty's wisdom and justice, makes such a vindication with respect to him, absolutely unnecessary; and, I hope, no one of his ministers stands in need of any vindication upon this head. But suppose some one of his majesty's successors should be suspected, should be known to have designs against our liberties, suppose his ministers should be known to make use of pensions and bribes, in order to render their master's designs successful, and suppose such a Bill as this should be brought into either House of Parliament, in order to put a stop to such dangerous practices, would any member rise up in his place, and accuse his sovereign of having such designs? Would any member of either House stand up in his place, and directly accuse a minister, even though he had the most evident proofs of his being guilty of corrupting the members? My lords, no member would be such a madman, unless he were well assured of having a majority in both Houses against corruption; and this he could no way be assured of, but by the success of the Bill. Were those designs of the prince, and those practices of his ministers, as apparent as the sun at noon-day, both the prince and the minister would be vindicated by their tools in parliament; and the patrons of the Bill, till they saw its fate, would then do, out of prudence, what we now do out of justice, at least with respect to his majesty. They would pass compliments upon the prince then upon the throne, they would, perhaps, even compliment his ministers; but as soon as they had, by the success and effect of their Bill, cleared the two Houses from corruption, they might then probably begin to talk in another strain, with regard to the ministers; because upon removing the corrupted, it would be easy to make the crimes of the corruptor appear.

The question now before us, my lords, does not relate to persons, but to things. It does not relate to his present majesty, or his next successor; nor to the present, or any future administration. The question is, whether we should be in danger of having our constitution overturned by means of corruption, supposing we had a prince upon the throne that would attempt it, and an administration that would, in the most cunning manner, use all the methods now in the power of the crown for accomplishing it. This is the proper question now before us, and if your lordships do not answer this question in the affirmative, I will be bold to say, you differ in opinion from nine tenths of the nation, I believe, I may say, from ninety nine out of a hundred of those who are not misled in their judgment by some corrupt prejudice. But if you do answer it in the affirmative, you must allow, that the danger itself is present, though we may depend upon our not falling into it during his present majesty's life. Therefore, in prudence, we ought to provide against it, whilst it is in our power; for it is a sort of danger from whence there is no legal recovery; if we once fall into it, it will be impossible to get any law passed for preventing corruption. The rev. prelate, when he says, he hopes, our posterity may at such a conjuncture be able to raise new barricades against corruption, seems to forget that no new barricade can be raised without the royal assent; and will a prince who intends to rule by corruption, give the royal assent to any Bill for preventing it? Will not all corrupt methods be made use of to prevent such a Bill's passing both Houses? And if it should, by a miraculous flow of virtue on one side, and very imprudent or rash management on the other, be carried through both Houses, may not the prince prevent its being passed into a law, till that flow of virtue subsides, or till he can fall upon methods to apply more properly the infinite means of corruption now lodged in the crown.

It will, therefore, be hardly possible to recover from the danger of losing our liberties by corruption, after we have once actually fallen into it. Other dangers we may recover from, because we become sensible of them before we have lost our strength; but corruption, like a consumption, is a distemper that comes by slow degrees, and enfeebles as it approaches; so that before we become sensible of our danger, we have no strength to use the proper remedies, and often think we are in perfect health when we are just expiring. For this reason, my lords, the dependence we have upon his present ma-

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jesty's wisdom and goodness, the confidence we have, that no corrupt practices have of late been made use of, are so far from being arguments against the Bill, that they are strong arguments in its favour. A time like this, is the only time we can take for preventing such a contagious distemper; for if the infected should once get the power into their hands, they will lock up instead of being locked up by the healthful. Therefore if this Bill can be supposed to have any effect, and cannot be supposed liable to any very great inconvenience, we ought to embrace the favourable opportunity we now have, of doing, as well as declaiming against corruption.

As to the objections that have been made against some particular clauses or expressions in the Bill, they are reasons, my lords, not for rejecting but amending it: nay, if we despaired of being able to make a good Bill of this now before us, yet we ought to go into a committee upon it, that every lord may give his sentiments freely upon the several parts of it, and may offer what clauses or amendments he thinks necessary for rendering it effectual; because, from thence, a good and effectual Bill may be formed, and made ready for being offered to the next session of parliament. For this reason, I must think, that no lord can be against committing it, unless he be of opinion, that the laws now in being are sufficient for preventing any corrupt influence in either House of Parliament; and however general such an opinion may be in this House, it is such a one as will not, I am sure, meet with approbation from the generality of people without doors; therefore, if this were really my opinion, I should nevertheless be, not only for committing, but for passing the Bill now under our consideration, with such amendments as may be thought proper in the committee; because it would quiet the minds of the people without doors, and can be attended with no real inconvenience, whatever may be pretended to the contrary.

I must confess, my lords, I could not conceive what the reverend prelate meant, when he talked of a new and dangerous power being to be added to the House of Commons by this Bill. If such a Bill should be passed into a law, it will, indeed, add new power to that House, because it will add to their character, which is the chief, and the only solid foundation of all power; but if your lordships reject such a Bill, after they have passed it, I am sure, it will lessen yours; and then, it is true, the power of the other House may become dangerous; for if the character, and, consequently, the power of the other House should be raised and yours at the same time lessened, you may not only put it in their power, but you may make it necessary for them, to vote you useless a second time. It was this very thing that enabled them to do so about a century ago. It was not the arts, or the clamours of the disaffected, but the measures pursued by the court, that rendered it scandalous to serve the crown in king Charles 1st's time; and it was the supporting of such measures, or at least preventing the authors of them from being punished, that made this House forfeit its character among the people. The reverend bench ought to remember the fatal consequences occasioned by that forfeiture, and how much their bench contributed to it, by their behaviour at that time. It was the imprudent and servile behaviour of a majority of this House, that then raised the power of the other, removed the reverend prelates from amongst us, and, at last, made the House itself really useless, before it was voted so by the other; for when we have not wisdom, virtue and courage enough to be a check upon the other two branches of the legislature, we are really useless, whether we are voted so, or no.

By this Bill, my lords, there are no such powers as the reverend prelate means, to be added to the other House; they are to acquire no power, nor any right, but what they already enjoy. They neither are, nor are by this Bill to be rendered, superior to the crown; but they are, and ought to be a check upon the crown; and if the public money should be squandered away by the crown, in unmerited or ill-merited pensions and gratuities, they might take notice of it, and put a stop to it, though no such Bill as this should pass into a law: they ought to do so: they would be deficient in their duty if they did not; and one of the ends of this Bill is, to prevent that deficiency; for it cannot be supposed, that a House of Commons would take notice of, or put a stop to, such squandering, if a majority of them were receivers of such pensions or gratuities. Even with respect to their own members, they are not, by this Bill, to acquire any new power: they have already a right to judge, whether any gentleman that claims it, has a good title to be a member of their House; and this Bill is only to furnish

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them with a new, and a necessary method for enquiring into that title. A pensioner has no more a right to be a member of the other House than a Roman Catholic: the latter may be chosen, and may take his place there, if he will take the oaths prescribed by law; but those oaths have been found to be an effectual bar to Roman Catholics, and, I hope, the oaths prescribed by this Bill, if it should pass into a law, will be found to be an effectual bar to pensioners. If the law had only inflicted a penalty upon a Roman Catholic who should sit and vote in the other House, it would, certainly, have had no effect, because of the impossibility of proving the offence; and as it is more difficult to prove a man's being a pensioner, than to prove a man's being a Roman Catholic, is it possible to imagine, that the laws now in being can be effectual, for preventing pensioners from sitting and voting in the other House? Can any reason be assigned for not taking that method in the one case which has been found so effectual in the other? A gentleman's refusing to take the oaths, is very much contrary to his private interest, because it subjects him to several penalties and disabilities; yet, I believe, the reverend prelate will not say, that no such oaths ought to be imposed, because of its promoting perjury; and, I am convinced, even the reverend prelate will allow, we are now in greater danger from pensioners than from Papists.

But the oath proposed by this Bill is, it seems, an unintelligible oath, because the words favour and gratuity cannot be certainly distinguished. My lords, they are, I think, as distinct as any two words in the English language. No man will suppose, that a post granted to a brother or servant at his request, is a gratuity to him, unless he is to reap some benefit by the grant. But suppose a man should think so, and, therefore, give an account of it to the House, where would be the harm? Such a declaration would give the other House no greater power than they have at present. They might, perhaps, pass a wrong judgment, and turn him out of their House when they ought not; but may not they do the same as the case now stands? And will you prevent its being in their power to come at the truth of a fact, lest they should pass a wrong judgment when they have come at that truth? That judgment would subject no man to a penalty; for the penalties are to be recovered only at common law; and it cannot be supposed, the judges would condemn a man, for sitting in the other House after he had got a little post for his servant, or a great one for his brother, unless it appeared, that the member was quartered upon his brother, which may sometimes be the case.

But, I believe, my lords, we have no occasion to be afraid of the other House's misinterpreting a favour, or even a reward, and taking it for a pension or bribe, if the receiver be such a one as has truly merited the reward. If admiral Vernon were now a member of the other House, and should receive a reward from the crown for the service he has done his country, would any member look upon it as a bribe? No one would; and, I believe, he would soon convince them, he did not himself look upon it as such. There is not, my lords, the least danger, that ever the other House will call a favour, or deserved reward, a pension or bribe: the danger is wholly upon the other side of the question. The other House may now call that a favour or deserved reward which is really a bribe, and even though this Bill should pass into a law, they may do the same; but in this case, no more than the other, the judges, when the affair comes before them by way of prosecution for the penalty, are not obliged to abide by the determination of the House of Commons; and there is not near so much danger of the other House's passing a wrong judgment in this respect, when all favours and rewards are declared and acknowledged publicly, as when most of them remain in petto of the corrupter and corrupted only.

I hope I have now answered all the objections made against committing this Bill, and, therefore, I shall conclude with observing to your lordships, that if you reject it, all those who think we are in danger from corruption, will conclude, that it is already become impossible to guard against it by any legal means, and will, therefore, begin to think of some other method for preserving our constitution, which may prove of dangerous consequence to the illustrious family now upon our throne. This, I am sure, will have great weight with every one of your lordships; and, therefore, if you consider it as you ought, the question must, I think, meet with the unanimous concurrence of this House, and the Bill itself, with the assistance of every one of your lordships, towards rendering it a perfect Bill.

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The Earl of *Abingdon*:

My lords; I rise up only to take notice, that I am surprized to hear this bill represented as a restraint upon the crown, with regard to its power of rewarding merit. Can the publication, or open declaration of such a reward, be any restraint either upon the giver or receiver? My lords, when the reward is given for real and honourable services, the publication of it adds honour both to the giver and receiver; and, therefore, I am convinced, that neither the giver nor receiver will ever desire to have the gratuity concealed, but when it is given for some infamous piece of service: and if this bill should be a restraint upon the power of giving rewards for such services, I hope, no lord will say, it ought to be an objection to the bill. For my part, I am so far from thinking it wrong, to oblige the members of the other House to give an account publicly of the rewards and gratuities they receive from the crown, that I wish we had a law for obliging every man in the kingdom to do the same. It would be so far from lessening, that it would render the favours of the crown more honourable than they ever can otherwise be. We have a noble duke amongst us, who now possesses an estate that was given by the crown to his ancestor, with the consent of both Houses of Parliament, and with the approbation, I am sure, of a great majority of the nation. It was a reward given for real and great services; and the giving it in this public manner, will be a lasting honour to the man that received it, to the queen that gave it, and to the nation that approved of it.

The Duke of *Newcastle*:

My lords; as one of the greatest grievances a society can be plagued with, is a multiplicity of unnecessary, ineffectual, and inconvenient laws, when we are to give our consent to the passing of a new law, for remedying a grievance already felt, or preventing one that is foreseen, we ought to consider maturely, whether the law proposed be necessary, whether it will be effectual, and what inconveniencies it may be attended with. In these three several lights I have considered the Bill now before us; and the result in every one of them, so far as I can judge, is no way favourable for the Bill. With regard to the necessity of it, I must observe, that no bill for preventing a grievance, can be so necessary as one brought in for remedying a grievance; and, therefore, a Bill of the former sort, before it can merit our approbation, as to the necessity of it, ought to stand unimpeached as to the two other heads. It cannot be said, that the Bill now under our consideration, is a Bill for remedying a grievance already felt. We have before us no proof of there being at present any one pensioner or bribed person in the House of Commons. No such fact has been asserted even by the warmest advocates for this Bill, nor is there so much as an insinuation of it in any part of the preamble. The Bill, therefore, is intended for preventing a grievance, or a danger, which some amongst us pretend to foresee; and the necessity for the Bill must be in proportion to the perspicuity and certainty of that foresight.

Now, my lords, for my own part, I must confess, the danger pretended to be apprehended, is to me neither perspicuous nor certain. My foreseeing faculty may, perhaps, be less extensive than that of others; but whilst the members of the other House are, for the most part, gentlemen of the best families and fortunes in the kingdom, as they now are, and I think, must always be, I can never think our constitution in any danger from corruption; because it is upon our constitution their estates and families depend; and it cannot be supposed, that a gentleman of a large estate and ancient family, will consent to render both precarious, by putting an end to our constitution, for the sake of any pension or bribe it is even now in the power of the crown to bestow; especially when he considers, that even his pension must cease, or the possessing of his bribe will become precarious, as soon as our constitution is destroyed. For this reason, suppose we should fall under the misfortune of having a prince upon the throne, that formed projects against our liberties, yet I cannot think it would be in the power of that prince, to render his projects successful, by bribing the members of the other House, unless he should first turn out of it most of those who have any estates of their own to depend on; and I cannot see how this is possible, considering the methods prescribed by our constitution, for a gentleman's acquiring and preserving a right to sit in that House. The danger pretended to be apprehended, is, therefore, so far from being foreseen by me, that I do not think it possible for us to fall into any such, and, consequently, I must think the Bill quite unnecessary.

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Then, my lords, as to its being effectual: Can any one suppose, that a man who is wicked enough to sell his country for a bribe, would have any regard for perjury? Can it be supposed, that he would refuse to take the oath prescribed by this Bill, or that he would in the least, boggle at denying, upon oath, his having ever received any pension, reward or gratuity from the crown? Such a man will always stand more in awe of a penalty, than of any oath you can invent; and the penalties of perjury can be no more terrible to him, than equal penalties which may be inflicted by law, without interposing the sacred solemnity of an oath. It will always be as difficult to prove the perjury, as to prove the bribery; because the latter crime must be proved, before the criminal can be convicted of the former; and, therefore, if the secrecy of the crime be an encouragement for men to be guilty of corruption, it will be an equal encouragement for their being guilty of perjury, by denying their corruption upon oath. From hence, I think, it is apparent, that the Bill now before us may occasion a great deal of perjury, without having the least effect, as to preventing the danger we may be in from corruption.

This, of occasioning frequent perjuries, and thereby rendering the crime familiar and frequent in other cases as well as this, will, in my opinion, be a most certain, and a most fatal consequence of passing the Bill now before us into a law; but this, my lords, is far from being the only inconvenience it will be attended with. If this Bill, however amended, should be passed into a law, it will be attended with so many, and such dangerous inconveniences, that nothing, I think, but the utmost necessity should prevail with us to agree to it. Suppose a gentleman should be candid enough to declare to the other House any gratuity or reward he receives from the crown, can any one tell what such an assembly may do upon such a declaration? They may, thereupon, vote him guilty of bribery, and not only expel him, but commit him to Newgate, and address his majesty to order his attorney-general to prosecute him. In this case, no merit, no public service would be admitted as an excuse: even admiral Vernon himself might be treated in this manner, notwithstanding his great services, if he happened to make such a declaration in a House of Commons that did not like his face. I shall grant, that the penalties can be recovered only by a prosecution at common law, and upon such prosecution the judge and jury are not bound to follow the judgment of the House of Commons; but such a previous judgment would be of the most dangerous consequence to the person accused; for a judge would be loth to direct the jury, or determine, contrary to the judgment of a House of Commons.

Such a declaration might, therefore, be, in many cases, of the most fatal consequence to some of the best and most faithful servants of the crown. If a House of Commons should, at any time, become factious, and that such a thing may happen, will not, I believe, be denied, the ablest and most faithful servants of the crown would be in the greatest danger, if they happened to be members of the other House. Nay, such a declaration might be of the most dangerous consequence to some of your lordships; for if any member of the other House should receive a well-merited reward from the crown, and should declare it to the House, as he would be obliged to do, should this Bill be passed into a law, they might first vote it bribery, and then enquire who it was that gave it, or advised giving it; and if, upon such enquiry, it should appear, that any of your lordships had been concerned in giving or advising it, they might, and would probably, make it a ground of impeachment against that lord who had conveyed, or advised giving, what they had voted to be a corrupt gratuity or reward.

Thus, my lords, the Bill now before us, should it pass into a law, might be made a handle for oppressing the best servants of the crown, and, on the other hand, it may become a screen for pensioners and corrupted members; for, by this Bill, the other House is not obliged to remove a pensioner, even after he has declared that he is so; and if a majority of them were pensioners, it is not to be supposed, they would remove any man for having a pension. Some excuse would be found for the most corrupt reward that could be given, for the most flagrant bribery that could be made use of. The most notorious pensioner would regularly declare every year to the House, that he had received such a sum of money from the crown, as a reward for some supposed public services, and the House would, every year, declare it to be no pension, but a proper and just reward. This would, of course, prevent any member's being prosecuted for sitting and voting in that

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House, after having a pension settled upon him by the crown; for no private man would venture to prosecute, after a House of Commons had declared, that there was no ground for such a prosecution; and thus the Bill, now under our consideration, instead of enforcing, would invalidate the laws we have now in being, for preventing pensioners from having seats in the House of Commons.

I think I have now shewn, my lords, that this Bill is unnecessary, that it will be ineffectual, and that it will be attended with many and great inconveniencies. These are the lights in which it appears to me, and no lord that views it in the same light, can, I think, give his consent to the passing it into a law. As for the effect our rejecting it may have upon the people without doors, I am extremely easy about it. I believe, no one will doubt my affection for our present royal family, or my zeal for their preservation and security; but I can never be induced to think, that their security depends upon our passing unnecessary laws, and much less upon our passing such a law as this, which, in my opinion, would very much diminish the prerogative of the crown. The power of rewarding merit, without the controul of either House of Parliament, is one of the chiefest prerogatives, and one of the firmest supports of the crown; and as this power would, by the Bill now before us, should it pass into a law, be exposed to the daily controul of the House of Commons, I am sure, no man that views it in the light I do, and wishes well to the royal family can find fault with our rejecting it. The security of our present royal family, depends upon the preservation of our constitution in all its parts. The liberties and privileges of the people have, ever since the accession of this family, remained untouched, unattempted to be encroached on by the crown; and in return, the people ought not, I think, to attempt to encroach upon the prerogatives of the crown. It is upon this mutual justice and moderation, the preservation of our constitution depends; it is upon this the security of our present royal family depends; and, therefore, I hope, your lordships will unanimously agree, not only in refusing this motion, but in rejecting the Bill.

The Earl of *Chesterfield*:

My lords; it is now so late, and so much has been said in favour of the question, by lords much abler than I, that I shall detain you but a very short while with what I have to say upon the subject. It has been said, by a noble duke, that this Bill can be looked on, only as a Bill for preventing a grievance that is foreseen, and not as a Bill for remedying a grievance that is already felt, because it is not asserted, nor so much as insinuated in the preamble of the Bill, that any corrupt practices are now made use of for gaining an undue influence over the other House. My lords, this was the very reason for bringing in the Bill: they could not assert that any such practices are now made use of, without a proof; and the means for coming at this proof, is what they want, and what they propose to get by this Bill. They suspect there are such practices, but they cannot prove it: the crime is of such a secret nature, that it can very seldom be proved by witnesses; and, therefore, they want to put it to the trial, at least, of being proved by the oath of one of the parties; which is a method often taken in cases that can admit of no other proof. This is, therefore, no argument of the grievance's not being felt; for a man may, very sensibly, feel a grievance, and yet may not be able to prove it.

That there is a suspicion of some such practices being now made use of, or that they will soon be made use of, the many remonstrances from all parts of the united kingdoms are a sufficient proof: that this suspicion has crept into the other House, their having so frequently sent up this Bill, is a manifest demonstration, and a strong argument for its being necessary to have some such Bill passed into a law. The other House must be allowed to be better judges of what passes, or may pass, within their own walls, than we can pretend to be. It is evident, they suspect, that corrupt practices have been, or may soon be made use of, for gaining an undue influence over some of their members; and they have calculated this Bill for curing the evil if it is felt, for preventing it if it is only foreseen. That any such practices have actually been made use of, or are now made use of, is what I shall not pretend to affirm; but, I am sure, I shall not affirm the contrary. If any such are made use of, I will, with confidence, vindicate his majesty. I am sure he knows nothing of them. I am sure he would disdain to suffer them; but I cannot pass such a compliment upon his ministers, nor upon any set of ministers that ever was, or will be, in this nation; and therefore, I think, I

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cannot more faithfully, more effectually, serve his present majesty, as well as his successors, than by putting it out of the power of a minister to gain any corrupt influence over either House of Parliament. Such an attempt may be necessary for the security of the minister; but can never be necessary for, must always be inconsistent with, the security of his master; and the more necessary it is for the minister's security, the more inconsistent it will always be with the king's, and the more dangerous to the liberties of the nation.

To pretend, my lords, that this Bill diminishes, or any way encroaches upon the prerogative, is something very strange. What prerogative, my lords? Has the crown a prerogative to bribe, to infringe the laws, by sending its pensioners into the other House? To say so, is destroying the credit, the authority of the crown, under pretence of supporting its prerogative. If his majesty knew, that any man received a pension from him, or any thing like a pension, and yet kept his seat in the other House, he would himself declare it, or withdraw his pension, because he knows it is against law. This Bill, therefore, no way diminishes or encroaches upon the prerogatives of the crown, which can never be exercised but for the public good; it diminishes only the prerogatives usurped by ministers, which are never exercised but for its destruction. The crown may still reward merit in the proper way, that is, openly. The Bill is intended, and can operate only against clandestine rewards or gratuities given by ministers: these are scandalous, and never were, nor will be given but for scandalous services.

True generosity, and true merit, my lords, delight in sunshine. It is glorious to reward true merit, it is glorious to receive the reward; and, therefore, whoever gives or receives the reward, will be fond of doing it publicly, and of declaring it openly, without fear of being impeached of corruption. When admiral Vernon was a member of the other House, the majority was generally against him: they did not then like his face; and, I believe, if he were still a member, they would as little like it now; yet, if he should receive a reward from the crown, that majority would not, I believe, vote that reward to be a bribe. I am sensible, majorities have sometimes done very extraordinary things; but yet, I do not believe, they would do this; because that admiral has so well deserved a reward. He has done with six ships, about 2,000 seamen, and 200 tattered soldiers from Jamaica, what, we were told, could not be done by a large squadron, and, at least, 8,000 seamen, when our ships and sailors lay rotting at the Bastimentos. When war was resolved on, he was called from ploughing the ground, to plough the main; and as the service of his country required dispatch, he desired but three days to settle his family affairs. In time of peace he was never employed: he was even disappointed in his preferment. The reason is plain: he was not fit for those services that entitle our sea and land-captains to preferment in time of peace: he had shewed it, when he was a member of the other House; and this, I believe, is the true reason of his not being a member now. But if he should be a member in the next parliament, as he probably will, if he lives, the passing of this Bill could no way prevent his majesty from rewarding him in any manner he may then think fit; nor could his accepting of the reward subject him to any inconvenience or danger.

This Bill can, therefore, no way affect the prerogatives of the crown, or prevent any man's receiving a just and well-deserved reward; which is the only reward the crown ought, or has any title, even from prerogative, to bestow; for this prerogative, like all the other prerogatives of the crown, is so far subject to the controul of parliament, that, if it be abused, the parliament may enquire into, and punish the advisers of that abuse. As for the inconveniencies that may arise from the other House's unjustly expelling or imprisoning any of its own members, or from its screening pensioners and corrupt members, they may arise, though this Bill be never passed into a law; and will more probably arise if it is not, than if it is; for injustice of all kinds, is more to be feared from a corrupt House of Commons under the influence of a wicked and insolent minister, than from the most factious House of Commons that ever appeared, or can appear in this kingdom; because the crown would certainly put an end to the latter, before it could do any mischief; but the former will be patronized and continued, as long as the crown is under the direction of such a minister; or, at least, till that minister has got it into his power, to get a new one chosen, as abandoned, and as much under his influence as the old.

It is very remarkable, my lords, it is

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even diverting, to see such a squeamishness about perjury upon this occasion, among those, who, upon other occasions, have invented and enacted multitudes of oaths, to be taken by men who are under great temptations, from their private interest, to be guilty of perjury. Is not this the case of almost every oath that relates to the collection of the public revenue, or to the exercise of any office? Is not this perjury one of the chief objections made by the dissenters against the test and corporation act? And shall we shew a less concern for the preservation of our constitution, than for the preservation of our church; The reverend Bench should be cautious of making use of this argument; for if they will not allow us an oath for the preservation of the former, it may induce many people to think, they ought not to be allowed an oath for the preservation of the latter.

By this time, I hope, my lord, all the inconveniences pretended to arise from this Bill, have evanished; and, therefore, I shall consider some of the arguments brought to shew, that it is not necessary. Here I must observe, that most of the arguments made use of for this purpose, are equally strong for a repeal of the laws we have now in being, against admitting pensioners to sit and vote in the other House. If it be impossible to suppose, that a genman of great estate, and ancient family, can, by a pension, be influenced to do what he ought not to do, and if we must suppose that none but such gentlemen can ever get into the other House, I am sure, the laws for preventing pensioners from having seats in that House, are quite unnecessary, and ought to be repealed. Therefore, if these arguments prevail with your lordships to put a negative upon the present question, I shall expect to see that negative followed by a motion for the repeal of those laws: nay, in a few sessions, I shall expect to see a Bill brought in, for preventing any man's being a member of the other House, but such as have some place or pension under the crown. As an argument for such a Bill, it must be said, that his majesty's most faithful subjects ought to be chosen members of parliament, and that those gentlemen will always be most faithful to the king, that receive the king's money. I shall grant, my lords, that such gentlemen will always be the most faithful, and the most obedient to the minister; but for this very reason, I should be for excluding most of them from parliament. The king's real interest, however much he may be made by his minister to mistake it, must always be the same with the people's, but the minister's interest is generally distinct from, and often contrary to both; therefore, I shall always be for excluding, as much as possible, from parliament, every man who is under the least inducement to prefer the interest of the minister, to that of both king and people; and this I take to be the case of every gentleman, let his estate and family be what they will, that holds a pension at the will of the minister.

Those who say they depend so much upon the honour, integrity, and impartiality of men of family and fortune, seem to think, our constitution can never be dissolved, as long as we have the shadow of a parliament. My opinion, my lords, is so very different, that, if ever our constitution be dissolved, if ever an absolute monarchy be established in this kingdom, I am convinced, it will be under that shadow. Our constitution consists in the two Houses of Parliament's being a check upon the crown, as well as upon one another. If that check should ever be removed, if the crown should, by corrupt means, by places, pensions, and bribes, get the absolute direction of our two Houses of Parliament, our constitution will, from that moment, be destroyed. There would be no occasion for the crown to proceed any farther: it would be ridiculous to lay aside the forms of parliament; for under that shadow, our king would be more absolute, and might govern more arbitrarily than he could do without it. A gentleman of family and fortune would not, perhaps, for the sake of a pension, agree to lay aside the forms of government; because by his venal service there, he earns his infamous pension, and could not expect the continuance of it, if those forms were laid aside; but a gentleman of family and fortune may, for the sake of a pension, whilst he is in parliament, approve of the most blundering measures, consent to the most excessive and useless grants, enact the most oppressive laws, pass the most villainous accounts, acquit the most heinous criminals, and condemn the most innocent persons, at the desire of that minister who pays him his pension. And if a majority of each House of Parliament consisted of such men, would it not be ridiculous in us to talk of our constitution, or to say we had any liberty left?

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This misfortune, this terrible condition we may be reduced to by corruption: as brave, as free a people as we, the Romans, were reduced to it by the same means; and to prevent such a horrid catastrophe is the design of this Bill. If it had begun in this House, it might, perhaps, have been looked on as some sort of reflection upon the other; but as it began in the other House, the reflection will be upon us, if we do not pass it, with proper clauses for preventing an infamous pension being given to any of the members of this House. Your lordships are not, it is true, so much liable to corruption as the other House: you have great estates: there are but few amongst us whose hard fate has not furnished them with an estate sufficient for supporting their dignity. But corruption is infectious, my lords, if it should get into the other House, it is too near us: *ardet scalegon.* The infection may reach us; and should corruption ever enter this House, either to satisfy the imaginary wants of luxury, or the insatiable cravings of avarice, we shall lose all character: we shall become entirely useless; and then, indeed, we ought to be laid aside.

If people would at all think, if they would consider the consequences of corruption, there would be no occasion, my lords, for making laws against it. It would appear so horrible, that no man would allow it to approach him. The corrupted ought to consider, that they do not sell their vote or their country only: these, perhaps, they may disregard; but they sell, likewise, themselves: they become the bond-slaves of the corruptor, who corrupts them, not for their sakes, but for his own. No man ever corrupted another, for the sake of doing him a service; and therefore, if people would but consider, they would always reject the offer with disdain. But this is not to be expected. The histories of all countries, the histories even of our own country shew, it is not to be depended on. The proffered bribe, people think, will satisfy the immediate cravings of some infamous appetite; and this makes them swallow the alluring bait, though the liberties of their country, the happiness of their posterity, and even their own liberty, evidently depend upon their refusing it. This makes it necessary, in every free state, to contrive, if possible, effectual laws against corruption; and as the laws we now have for excluding pensioners from the other House, are allowed to be ineffectual, we ought to make a trial, at least, of the remedy now proposed; for though it should prove ineffectual, it will be attended with this advantage, that it will put us upon contriving some other remedy that may be effectual; and the sooner such a remedy is contrived and applied, the less danger we shall be exposed to, of falling into that fatal distemper, from which no free state, where it has once become general, has ever yet recovered.

Lord *Hervey:*

My lords; the argument has been already so fully canvassed, and the Bill now under your lordships' consideration so minutely and so carefully dissected and exposed, that I should have given you no trouble upon the present occasion, if I had not observed, that the noble lords who have spoke in favour of the Bill, have mistaken the argument now properly under our consideration, and have, by that means, drawn the debate to an immoderate, and a very unnecessary length. Corruption, my lords, is such a vile, such a dangerous practice, that no man will pretend to justify it, or to say that corrupt pensioners ought not to be excluded from having seats in either House of Parliament. I am sure no such thing has been attempted by any lord who has spoke against this Bill; and therefore, I cannot think there was the least occasion for any of that eloquence and wit, that have been made use of for explaining the danger and the deformity of corruption. The nature and consequences of corruption have nothing to do in this debate; and, if all that has been said upon that subject, by lords who have spoke in favour of the Bill, had been left out, the real subject now before us would have been long since exhausted. The question now before us is not, whether corruption be a good or a bad thing; but whether the methods proposed by this Bill be proper for preventing it; and upon this question, I must agree with those who think, that they are improper, that they are dangerous, and that they will certainly be found altogether ineffectual.

We have been told, my lords, that this Bill is intended only as an enforcement of the laws now in being for excluding pensioners from having seats in the other House; but, if we examine it strictly, I believe, it will be found to reach a great deal farther. I know that by the laws now in being, every one who has a pension during pleasure, or for any number of years, either in his own name, or in the

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name of another person in whole or in part for his benefit, is excluded from having a seat in the other House; but I do not know that there is, as yet, any law in being, for excluding those who have either received any deserved reward or favour from the crown, on account of some eminent service they have rendered to the public; and, though there are in this Bill no express words for excluding such men, yet, in effect, it gives the other House a power to exclude them as often as they have a mind, which is certainly a very great innovation in our constitution, and it is a power that ought not, I think, to be lodged in the other House singly. If it should be thought necessary to exclude all such men from having seats in the other House, they ought to be excluded by an express law for that purpose, as pensioners now are; or if it should be thought necessary to subject every member of the other House that receives any gratuity or reward from the crown, to a trial, in order to determine whether that gratuity or reward ought to be called corruption, that trial ought to be by the laws of his country, and not by the arbitrary vote of the other House of Parliament, which will be the certain consequence of passing this Bill into a law; for when a gentleman declares, he has received such a gratuity or reward from the crown, we are not to suppose, the other House will let it rest there, they will certainly take upon them to determine, whether it was given for any public service, or as a bribe for his voting in their House; and, in this case, it is to be feared, they will try the person much oftener than the cause.

For this reason, my lords, supposing it were necessary to exclude from the other House, or subject to a trial, every man that, during his continuance in that House, shall receive any gratuity or reward from the crown, I think the method proposed by this Bill, a very improper method for doing it. But this is far from being the only impropriety that may be objected against the Bill. The words gratuity or reward are so general, and may be applied to such trifles, that, in my opinion, it would be ridiculous to oblige gentlemen to make a solemn declaration of every gratuity or reward they receive from the crown. A horse or a watch, nay the least trifle that can be given by the crown, may be called a gratuity; and surely it would be ridiculous to oblige a gentleman to make a solemn declaration, before one of the branches of our legislature, of his having received such a trifle from the crown: Yet, if you pass the Bill with these general words in it, the receipt of every such trifle must be solemnly declared; and what is still worse, even that trifle may, by a factious House of Commons, be interpreted as a bribe, and the receiver expelled as an infamous and corrupt member.

From these few remarks, my lords, the impropriety of the methods proposed by this Bill for preventing corruption must, I think, manifestly appear; and I shall next endeavour to shew, that they may be of the most dangerous consequence, not only to our constitution, but to every gentleman that shall hereafter be a member of the other House. When a gentleman has by public services merited, and the crown has by a well judged gratitude bestowed a just reward, I hope, even the terrors of corruption will not prevail with us to say, that a gentleman, for receiving such a reward, ought to be excluded the House of Commons; and yet, if this Bill should pass into a law, no gentleman, while he is a member of the other House, could receive a reward from the crown, let his merit be what it will, without running the risk of being expelled that House, and loaded with the infamy of his having betrayed his country for the sake of a corrupt reward from the crown; for whatever gratuity or acknowledgment he receives from the crown, he must give an account of it to the House, and then he is to stand the event of a vote, whether that gratuity shall be deemed a reward from the crown, for the services he has rendered the public, or a bribe from the minister for his having approved of his measures in that House. In this case, if the majority of the House, perhaps not half full, should happen to be such as disapproved of the measures pursued by the administration, we may easily judge of the event. The gentleman, whom I may in this case, properly call the criminal, would be condemned, and expelled the House, without having an opportunity to prove the public services for which the reward was given, or to shew the benefits that had, or might accrue to his country from those services. And thus, perhaps, one of the most faithful servants of the crown, and one of the most honourable and useful members of the commonwealth, might, by accident, be loaded with the reproach of being an infamous betrayer of his country, for no other reason, but because the crown had been grateful

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enough to acknowledge his merit, and he so imprudent as to accept of that acknowledgment, whilst he was a member of the House of Commons.

. Innocence, I shall grant, my lords, is a great encouragement, and may give assurance to a person accused: but even before the most just, the most impartial, and the most steady judicature, no man would chuse to stand a trial, let his innocence be never so manifest, let the proofs he has to depend on be never so clear and convincing; and therefore, if this Bill should pass, I must suppose that no member of the other House, while he continued so, would be so imprudent as to receive any reward, or indeed any favour from the crown; because, if he did, his own declaration would be an accusation against him, upon which he would be obliged to stand his trial, before a judicature which, considering the number of judges, can never be steady in its judgments, and in a case which cannot be thoroughly cleared up by proofs of any kind, but must always, in a great measure, depend upon the opinion his judges have of his innocence and merit. In such a case, and before such a judicature, where no man can be certain either of the number or of the persons of those that are to be his judges, I am sure no wise man would run the risk of exposing himself to a trial, by accepting of any reward or gratuity from the crown, while he continued a member of the other House; and, if the expectation of an immediate reward be allowed to be a great incitement to worthy actions, as, I believe, it will, it must be allowed, that the passing of this Bill into a law, would very much discourage all those who may hereafter be members of the other House, from endeavouring to serve the public in any other capacity, which would very much derogate from the present character of that branch of our legislature, and might at last render it contemptible, or so factious, that it would be impossible to govern the society according to the forms prescribed by our constitution.

This Bill therefore, my lords, if it should be passed into a law, would not only be inconvenient and dangerous to those who may hereafter happen to be members of the other House, but it would be of the most dangerous consequence to our constitution; for, if the members of the other House were of no service to their country, in any capacity but that of their being members of one of the branches of our legislature, and if they did nothing, as such, but agree to what was proposed by the ministers of the crown, which would be the case under a just and wise administration, the House itself would become contemptible among the people, and this would make it easy for some future ambitious prince to overturn our constitution, by laying that House entirely aside. On the other hand, if a majority of the members, in order to recommend themselves to the notice of their country, should become factious, and oppose the justest and wisest measures that could be proposed by the administration, unless the complexion of the House could be changed by a new election, which, considering the popularity of an opposition to court-measures, would always be extremely precarious, the constitution would be brought into an impossibility of existing; for the crown would be under a necessity of yielding to the factious majority in the House of Commons, or of attempting to govern without a parliament. If in this attempt the crown should succeed, our constitution would be overturned, and an absolute government established; and late experience has shewn us, what we are to expect from the crown's yielding to a turbulent faction in the other House: for such a faction would never be satisfied with any reasonsonable concession: From one concession they would aspire to another, till at last they had left the crown nothing to yield; and thus a commonwealth would again be established, which of course would soon deviate into a sole tyranny, under some one or other of the factious leaders.

From what I have said, my lords, I think it is evident, that the methods proposed by this Bill for preventing corruption, are both improper and dangerous. Yet, so great an enemy am I to corruption, so fond am I of every method that may in the least contribute to prevent it, that I should agree to the Bill now under our consideration, if I thought it would have the least effect. But I am fully convinced, that it will be found altogether ineffectual; I am really surprised, how any lord can imagine, it will have the least effect. If we suppose a man so abandoned to all virtue and honour, as to betray his country for the sake of a secret bribe or pension, upon such a man can we suppose, that an oath will have any effect? Such a man, my lords, will receive his bribe or his pension, and will, if you desire it, the very next moment declare

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upon oath, he never received any gratuity or reward from the crown. The infamy of perjury itself is not near so great, as the infamy of a man's betraying that trust which his country has reposed in him; and can we suppose, that a man who despises the latter, will shew the least regard to the former? In this case, the penalties of perjury will signify nothing; for the penalties already inflicted by law upon pensioners that continue to sit and vote in the other House, are so great, that, I am sure, no man would run the risk of incurring them, if he thought there were any possibility of proving the crime against him; and where a man depends solely upon the impossibility of the proof, no penalty can have any effect; for without a proof no penalty can ever be recovered; and therefore, unless we can fall upon a way of making it easy to find a proof, I am afraid it will be impossible to prevent committing of the crime, any other way than by the electors always chusing gentlemen of virtue and honour to represent them in parliament; and whilst they do so, we have no occasion for any laws against corruption.

With regard, therefore, my lords, to the clandestine, the corrupt, and the scandalous rewards or gratuities, which may be given by a future minister to some of the members of the other House, on account of their voting there according to his directions, this Bill can have no effect. It cannot in the least contribute towards preventing such practices, but, on the contrary, it will in my opinion encourage them; because, among the people, it will render the guilty less liable to be suspected, and the less liable a man is of being suspected, the more easily he may be tempted to be guilty. The very oath by this Bill prescribed, he will look upon as a full vindication in the eyes of the world; and thus, by his perjury, he will think he has wiped off the infamy at least, if not the guilt of his treachery.

My lords, it is, in my opinion, one of the worst arguments that can be made use of in favour of this Bill to tell us, that we ought to agree to this remedy till a more effectual one can be found out. If we are in any danger from corruption, it would be a most imprudent step to apply a remedy which we knew to be ineffectual; because, the applying of such a remedy might lull the nation asleep, and prevent our thinking how to contrive a remedy that would really be effectual. A man labouring under a dangerous distemper, is apt to hope for great benefit from every remedy he takes; and, by putting too much trust in lenitives, too often delays thinking of, or applying an effectual remedy, till his case becomes incurable. This may be our fate; by trusting to the remedy proposed by this Bill, we may be induced to delay contriving or applying any other, till our case be grown desperate; and therefore, I must be against the Bill for the very same reason that other lords seem to be for it: because I am an utter enemy to corruption. I think it one of the most dangerous distempers a free state can be infected with, and shall always be against applying lenitives of any kind. If there be, at present, no such infection in this state, we have no occasion for any sort of prescription: if we are infected, let us search the infection to the root, and at once apply some effectual remedy; for, I hope, there is no political infection, for which a specific may not be found, by a skilful and willing physician.

The Earl of *Abingdon*:

My lords; I beg pardon for troubling your lordships a second time upon this occasion, but I rise up to speak to order. My lords, it is against order to take notice, in this House, of any thing that has been, or may be done in the other. We are to do what we think right, without giving ourselves any trouble about what has been, or may be done in the other House; and yet, I find, the chief objection made use of against this Bill is, that the other House may make a wrong use of it. Shall we, my lords, refuse to do right, because another assembly may do wrong? Shall we refuse to give a man a sword, for defending himself, when we know he is in danger of being attacked, because he may turn the point, and stab himself with it? This, my lords, is a very strange sort of argument. But now I am up, I shall beg leave to shew, that there is nothing new intended by this Bill, nor any power given to the other House, but what they have already.

Before I do this, my lords, I must observe, that upon a question for going into a committee to consider of a Bill for preventing corruption, I was surprized to hear the noble lord that spoke last, find fault with those who had endeavoured to set in a true and clear light the monstrous deformity, and the fatal effects of that political distemper; for surely, the more

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sensible we are of its deformity and fatal consequences, the more we shall abhor the crime, and the more we abhor it, the more ready every one will be to agree to our spending one day at least, in endeavouring to find a remedy for the contagious distemper. I shall grant, that none of your lordships have attempted to justify corruption. I hope no lord will ever dare to do so in this House; but without doors it has been justified, as a necessary means of government; nay pamphlets or rather libels upon the nation, have been wrote for this very purpose, and supposed to have been countenanced by those whose business and duty it was to have suppressed them. But though none of your lordships have endeavoured to justify corruption, yet, I cannot think, that those who oppose this question, are so sensible of its fatal effects as they ought to be; for, suppose this Bill imperfect, suppose the methods proposed ineffectual, yet, this can be no reason for our refusing to go into a committee upon the Bill: We may be able to amend the Bill so as to make it a perfect and effectual Bill; and, as the noble lord who spoke last seems to think, that by an able and willing physician, a specific may be found for every political distemper, I hope he will give us his assistance; for I make no question of his ability, and I hope he will not, by his giving his negative to this question, give me any room to doubt of his will.

How the noble lord came to imagine, that a gentleman who had received a just reward from the crown, or that any gentleman would be excluded, by this Bill, from having a seat in the other House, I cannot comprehend. My lords, I have perused the Bill with all possible care, and I can find no words by which any man is excluded from having a seat in the other House, unless he refuses to take the oath prescribed by the Bill. But the noble lord says, the other House may, upon his making the declaration proposed, exclude him by a vote of their House: That is to say, they may expel him. In this case, can it be said, that the gentleman is excluded by this Bill? No, my lords, he is excluded by their vote; and that vote cannot be founded upon this Bill, but upon the common law, or upon the laws now in being against pensioners. Therefore, this Bill contains no extension, nor the least innovation of any of the laws now in being, with respect to those that have, or have not a right to sit and vote in the House of Commons; nor can that House by this Bill acquire any right or power but what they now enjoy.

I shall grant, my lords, that no member ought to be expelled by the other House without a just cause; but, in this respect, it must be allowed, that the members of the other House are the sole and absolute judges. Suppose they should, by a vote, expel a gentleman unjustly, can that vote or sentence be now questioned in any other judicature or assembly? My lords, it is now as absolute and as irreversible as it can be should this Bill be passed into a law; and, if they have hitherto made no wrong use of this absolute and uncontrolable power, why should we suspect their doing so in time to come? With respect to the rewards and gratuities that are given by the crown for real public services, they are always well known, and openly acknowledged: They have always been so; and, as the other House has never yet thought of looking upon any of them as a pension or bribe, or of expelling a member on account of his having received such a reward or gratuity, though the receiving of it was openly and without any legal compulsion avowed, can we think that a gentleman's acknowledging, in pursuance of an act of parliament, the receipt of such a gratuity or reward, will any way alter the conduct of the other House in this respect? With regard to such gratuities or rewards, let the future conduct of the other House be what it will, it can be no way influenced by this Bill; because, as such rewards and gratuities are publicly given, and as publicly received, a proof can never be wanting, the other House will always hear of them, though no such Bill as this should ever pass, and they may, if they have a mind, expel the receiver either upon his own acknowledgment, or upon a proof, or upon common fame; but I must deny, that they can load him with infamy, or make the world believe, that he is a corrupt betrayer of his trust.

Real infamy, my lords, is a punishment that can be inflicted by nothing but the justice of the sentence; for when a court or assembly decrees that to be a crime which is really a virtue, or finds a man guilty that to the world appears to be innocent, the infamy recoils upon the judges, and their sentence does honour to the person condemned. This would be the case, if ever the other House should unjustly expel a man for receiving a just reward for some public service: The na-

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tion he had served, and the king who had rewarded him, would rise up in his vindication; and a sentence of infamy as well as dissolution would certainly be passed upon such a factious assembly. But, if corruption should ever spread over a majority of the other House: If a ministry should, by flattery, gain the absolute direction of his sovereign, and by bribes and pensions, the direction of the House of Commons; no man will suppose, I believe, that such a House will ever expel a member for receiving a gratuity or reward from the crown; and though a sentence of infamy might very probably be passed upon the whole assembly by the nation, yet, no sentence of dissolution would ever be passed upon it by the crown. It is this, my lords, that may render the other House both contemptible and factious. It may become a ministerial faction for oppressing the people and betraying the sovereign: Then, indeed, it will become contemptible: The very name of parliament would, in a short time, become hateful to the people; and then it would not only be easy for an ambitious prince, but happy for the nation, to have the use of parliaments laid entirely aside.

The danger therefore of not preventing corruption in the other House is very great; and as to the dangers pretended to arise from the methods proposed by this Bill for preventing it, there is not the least foundation for them; because they arise not from this Bill, but from a supposed abuse of power in the other House; and this, I have shewn, that House is as liable to run into, should this Bill never pass, as they can be supposed to be, after it is passed into a law. Nay, they will be more liable to run into an abuse of their power, should no such Bill as this be ever passed; because a corrupt House of Commons, under the influence of an arbitrary and wicked minister, may more probably run into an abuse of their power, against the friends and servants of their country, and continue that abuse longer, than a factious House of Commons can be supposed to do, against the friends and servants of the crown; for this plain reason, because the crown may, and certainly will put an end to the power of the latter, as soon as they begin to abuse it; but the crown will never put an end to the power of the former, as long as the king happens to remain under the direction of such a minister. There is not therefore the least shadow of reason for saying, that the methods proposed by this Bill for preventing corruption can be inconvenient or dangerous, either to the constitution, or to those who may hereafter happen to be members of the other House; and, as to their being improper, because of the trifling gratuities members may sometimes receive from the crown, the objection, I think, is as ill founded. My lords, if a gentleman of the other House should receive a horse, a watch, or any other trifle from the crown, I can see no impropriety in obliging him to declare it: if he receives it upon any honourable account, I am sure he will, he ought to declare it, whether he be obliged by law to do so or no; and, I am sure, there is no impropriety in our taking every method that can be thought of, for preventing the members of the other House from receiving a present from the crown upon any dishonourable consideration.

Now, my lords, with regard to the effect this Bill may have upon the abandoned, I shall grant, the sin of perjury will have very little effect upon them; but the penalties of perjury will have an effect even upon the most abandoned, otherwise we must suppose, that the laws now in being against pensioners are ridiculous. When a crime can be secretly committed, I shall grant, it is a great encouragement to its being often committed; but all crimes are committed under an expectation of secresy, yet we find they are often discovered; and corruption is not one of that sort of crimes that may the most secretly be committed, because there must always be at least two persons concerned, and if we should lay a penalty upon the corruptor as well as the corrupted, these companions in iniquity may, as others do, impeach one another. Therefore our adding the penalties of perjury to the penalties already by law inflicted, will certainly have some effect upon the most abandoned, and the sin of perjury will, I hope, prevent some from accepting of any corrupt gratuity from the crown; for though it be wrong to accept of any such gratuity, yet, it has been, and may often be accepted, without the receiver's supposing, he thereby betrays that trust which is reposed in him by his country.

But the noble lords, who have spoke against this Bill, are all under a mistake when they suppose, that the penalties already by law inflicted can, even in case of a discovery, be made effectual against every sort of corruption; and, to shew

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this, my lords, I must observe, that corruption is of four sorts. It is either by way of pension during pleasure, or by way of pension during a term of years; or, it is by way of a sum of money paid for the whole dirty work of a session, or by way of a sum paid and repeated for every particular infamous job. The first two sorts were long thought so innocent, that it was a question, whether such men should be excluded from their seats in the other House, and therefore it became necessary to exclude them by express statute, under the penalties mentioned in those statutes; but before a man can be subjected to those penalties, it must be proved, that he had a pension settled upon him by sign manual, or some other sort of grant, either during pleasure or for a term of years: from thence it is plain, that neither of the two other sorts of corruption can be brought within these statutes, or subjected to the penalties thereby inflicted; and this, I believe, is the chief reason that those penalties could never be recovered; because, if there are, or have been any pensioners in the other House, those pensioners have been paid annually without any sign manual, or other grant for establishing them, and such pensioners or corrupt persons are neither excluded by those statutes, nor subject to the penalties thereby inflicted. But, will any lord say, that such infamous corruption is not prohibited by law? My lords, those that receive a sum of money for the dirty work of a session, or for any particular infamous job, are excluded from their seats in the other House by common law; and therefore it was unnecessary to make any express statute for excluding them. If the fact could be discovered, they would of course be expelled; but, even upon a discovery, they are as yet subject to no penalty by express statute, nor could they, I believe, be prosecuted by any method at common law. One of the chief intents of this Bill therefore is, to prevent a member's being guilty of either of these, which are the most infamous sorts of corruption, by subjecting the person so corrupted to a prosecution at common law, and to the penalties of perjury, in case he should receive such a bribe, and afterwards be so wicked as to deny it upon oath. Whether this will be altogether effectual I shall not say; I believe it will not; but, I am sure, it will be more effectual than to leave such criminals, as they are at present, absolutely free from any penalty, nay, from any prosecution at common law; and therefore I must think, that those lords who are against our going into a Committee upon this Bill, are far from having that horror which they ought to have, at the infamous, contagious, and dangerous practice of corruption.

The question was then put, and passed in the negative, Contents 40, Not Contents 52. After which the Bill was rejected without a division.

Address of both Houses on the Capture of Porto Bello.] March 17. Both Houses went up with the following Address to his majesty:

"Most gracious sovereign,

"We your majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, and Commons in parliament assembled, do congratulate your majesty on the glorious success of your majesty's arms in the West Indies, under the command of vice admiral Vernon, by entering the port, and taking the town of Porto Bello, and demolishing and levelling all the forts and castles belonging thereto, with six men of war only.*

* "When the Address came to the Commons, their House was remarkably thin; and the Address had not, in the form it was sent down, the words "with six ships of war only." But several of Vernon's friends, who had heard him say in the House, that he could take Porto-Bello with that force, insisted upon those words being inserted. They were opposed by the few of the ministerial party who were in the House, who thought they conveyed a reproachful insinuation against the memory of admiral Hosier, and that they could only serve to revive the animosities of the public, but the addition being insisted upon, it was carried upon a division of 36 against 31.

"A Roman consul, after reducing a province, never received greater marks of public applause from his country, than admiral Vernon did from his upon the demolition of Porto-Bello. His name, not only amongst the lower but the most distinguished ranks, became proverbial for courage; his exploit was exaggerated beyond measure; meanings were suggested that never were intended, and consequences drawn that never followed. The opposition, who counted upon Vernon as a creature of their own preferring, resolved to avail themselves of his name; and some of their heads entered into a correspondence with him, which has been since published, and in which they represented the minister and his friends as secret enemies to his person and success, and themselves as the patrons of his glory, and the sureties for his conduct to the public. A man of Vernon's warm consti-

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"This enterprize, so wisely concerted and so bravely conducted, cannot fail of giving the utmost joy to all your majesty's faithful subjects, since it affords the most reasonable hopes and expectations, that, by the blessing of God upon your majesty's councils and arms, it may be attended with other important advantages, and highly contribute to the obtaining real and effectual security of those just rights of navigation and commerce, belonging to your majesty's subjects, for the preservation of which your majesty entered into this necessary war."

The King's Answer.] To which his majesty answered:

"My lords and gentlemen,

"I thank you for your dutiful congratulations on this success, which is so much for the honour and interest of my crown and kingdoms. The satisfaction you express in the measures I have taken, is very agreeable to me."

The Merchants' Petition against the Embargo.] March 28. A Petition * of divers merchants, exporters of woollen and British manufactories and fisheries, &c. as likewise owners and masters of ships concerned in the navigation of these kingdoms, in behalf of themselves, and others, was presented to the House of Commons, and read; setting forth, "That the late general Embargo, and that laid on or about the 2nd of February last (which now continues), has been a very great loss and discouragement to the trade of these kingdoms, by lessening the exports thereof, besides a great loss to the merchants, in having their goods and effects lie perishing on board their ships many months in the river Thames, and elsewhere in his majesty's dominions: that these great losses and hardships have been borne by the sufferers with the greatest cheerfulness, upon account of a necessity there might be to supply his majesty's ships of war with mariners, for the defence of the nation in general against the common enemy: that the embargo upon ships navigated by foreigners has been taken off some time since, while that on the British is continued; which encourages many persons to load their goods and merchandize upon such foreign ships only, and not upon the English; although they are much preferable for defence and security in carrying them to ports beyond the seas, than

tution and resentful temper, could not but be affected with those representations which he thought came from his friends; and he conceived a deep dislike to every person employed, and every measure concerted for the public service, because he thought all came from the minister or his friends; and indeed most of the terrible misfortunes that afterwards attended the British arms in America, were owing to his invincible prepossessions." Tindal.

* "An embargo upon all shipping, except coasters, had continued by order of the lords of the Admiralty ever since the 1st of February to the 28th of March, when a petition from the merchants and owners of ships and others concerned in manufactures and commerce, was sent to the House of Commons, complaining of the great hardships the continuance of the embargo brought upon trade in general; and containing some insinuations as if it had been continued through wantonness, The fact was, that the petitioners had been amongst the loudest in the outcry that had been raised against the government for not protecting their trade; and as that clamour increased, the necessity of employing more seamen encreased likewise. The lords of the Admiralty had employed every fair means in their power to procure seamen, but without success, till they were reduced to the disagreeable alternative of either imposing the embargo, or permitting the service of the public to suffer. To give all the ease, however, in their power to trade, they soon took off the embargo on foreign ships, and acquainted the masters of British ships, that they were very willing to take it off entirely, if every master, or merchant, or owner of a ship would, in proportion to their number of hands, contribute to the supply of the navy. Though nothing could be more reasonable, and, indeed, necessary, than this conduct, yet it was represented, in the anti-ministerial speeches and writings, as an intolerable oppression upon commerce, calculated with a view to make the city of London and the trading part of the nation weary of the war. The ministry, however, did not think fit to comply with the prayer of the petition, which was to be heard by counsel against the embargo. They very justly thought, that to admit counsel on such a head, was stripping his majesty and the government of one of their most unquestionable prerogatives; and the petition was therefore rejected by a majority of 166 against 95. This seasonable firmness of the government was attended with very good effects: for the merchants, at last, agreed to carry one third of their crew landmen, and to furnish one man in four to the king's ships; upon which condition their ships had protections granted them, and about the 14th of April the embargo was taken off from all merchant ships in the ports of Great Britain and Ireland outward bound." Tindal.

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those ships manned with foreigners: that, if the said foreign ships are permitted to be the only carriers of the British merchandize, while our own ships must lie rotting in the river, our navigation (which always has been esteemed so valuable to the nation), the merchants and traders, will meet with such discouragement, that in few years more it may be greatly lessened: that the great number of ships which usually go upon the Newfoundland fishery, whale fishery, and to Virginia, &c. generally proceed upon their several voyages about this season of the year; and it is well known the great advantages those branches of trade have been of to Great Britain, for many years past: that several merchants and owners of ships have applied, in the usual manner, to the lords of the admiralty for protections, and leave to proceed on their voyages with their ships and loadings; many of the said ships have been loaden and ready to go to sea several months, with very valuable cargoes of woollen goods and products of these kingdoms, some of which are of a perishing nature: that their lordships have acquainted several merchants, who have applied to them at their board, that it was all masters of ships who wanted the embargo to be taken off, in order to go to sea, that each ship must provide a certain number of mariners, in proportion to what they carry, for the use of his majesty's ships of war; and, unless the merchants complied with those terms, they would not be permitted to have any protection, or used words to that or the like effect: that such very severe terms and precedents as are now proposed, the petitioners are wholly unacquainted with; and are humbly of opinion, that if the present embargo is continued only till the merchants can supply a sufficient number of mariners for the men of war, it will be such a discouragement to our foreign trade, and the navigation of these kingdoms in the merchants' service, that it is not possible to be performed or supported (the great expence and charge upon each man, to be paid by way of premium, for his entering on board a man of war, may amount to more than ten pounds per man, besides the high wages on account of the war;) and, if this practice is to be encouraged and established in future, the crimps, and their landlords, who are seamens' advisers, may raise the premium to what price they please, and in time stagnate the whole maritime commerce: and that it is the humble opinion of the petitioners, that such a method will prevent seamen from ever entering on board his majesty's ships, while the merchants are obliged to supply them, at such an exorbitant premium: and therefore praying the House to take the premises into consideration, and permit the petitioners to be heard, by themselves or counsel, upon the said petition; and grant that such provision may be made, in future, to encourage the trade and navigation of these kingdoms, as to the House shall seem meet."

A motion was made and the question put, That the said Petition be referred to the consideration of a Committee of the whole House, and that the petitioners, if they think fit, be heard by themselves. It passed in the negative, Ayes 95, Noes 166.

*Debate in the Lords on a Motion for a Vote of Censure, for not sending Land Forces with Admiral Vernon to America.**]

April 15. Lord *Bathurst* moved, "That

* *From the Secker Manuscript.*

April 15. Debate on the Motion, to resolve that Land-Forces should have been sent to America.

Bathurst. It is 5 weeks since the motion was made to take the State of the Nation into consideration. It is now near the end of the session: though indeed there is a standing order against making that an argument. I intended to call for papers relating to the Convention: which was not approved by the House, though the king was thanked. We should know by whose order the matter of search was permitted to be debated by persons, till then almost unknown: and by whose order Mr. Keene accepted Quadra's declaration about the S. S. Company. There hath been a very small diminution of the Sinking Fund since 1716. Can the same pilot who could not conduct the ship well in a calm, conduct it in a storm? Had the public revenue been well conducted, we might have carried on a war equal to that after the Revolution. Another point is the management of the navy. In 1707, there was a representation concerning it made by this House to the queen, drawn up by lord Somers and Halifax.* The late lord Cowper took into consideration the œconomy of the navy, indeed 4*l.* a man a month and 27*s.* for wear and tear, is easy to compute. Extraordinary repairs were formerly not known. Now, as much money hath gone upon repairs as would have built the navy from the beginning. A ship was going to Georgia, 7 Nov. and was detained till the beginning of February. This was owing to the

* See Vol. 6, p. 618.

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the unexpected taking and demolishing of Porto Bello, by admiral Vernon, with no other land force than 240 men lent him by the governor of Jamaica, might not only have been rendered certain and infallible, but likewise have been attended with further and greater successes, if some of our land forces, commanded by experienced officers, had been sent to the West Indies about the same time that admiral sailed; and that the sending of no land forces hitherto into America is a manifest

neglect of sending a ship fit to sail, and at last another was sent in the place of it. It hath been a strange contrivance to fit out great ships and want little ones which are the only ones of use. I shall not fail to put you in mind of these things next session. We have a great army, and Providence hath preserved to us persons fit to undertake any thing in council or war. But the war hath been conducted by persons used only to controversies decided by vollies of Ayes and Noes. The success at Porto-Bello was unexpected, and was not the minister's measure. If it had, he would have sent forces, and then Panama or Carthagena might have fallen into our hands. Why were none sent? Apprehension of the danger of an invasion is a perfect chimera. Therefore I make this motion, That the unexpected taking of Porto-Bello might not only have been rendered certain and infallible, but have been followed with farther and greater successes, if Land-Forces commanded by experienced officers had been sent, and that sending none hitherto is a manifest piece of ill conduct. I will withdraw this motion if any ill consequence can follow. But there is no ally, no general or admiral affected by it.

Delawar. The consideration of the State of the Nation hath been put off on account of the ill state of health of the noble lord who spoke last, and who moved for it. The ship hath been extremely well conducted in the calm; the nation hath and doth make a great figure abroad. No forces could be spared when Vernon went: if there had, it is as certain that Porto-Bello is taken as it could have been then. I am not so well acquainted with the march from thence to Panama as the noble lord seems to be.

Chesterfield. This motion will shew that your lordships will watch the conduct of this war. The kingdom now pays 61,000 men, and Porto-Bello hath been taken with 240 Jamaica soldiers, and six ships only out of 140. The intention was to take and hold something that might be a security for the performance of a treaty. Nothing is done towards this as yet, why are such numbers unknown to this nation and dangerous to it kept at home? It cannot be supposed Vernon had orders to do what he did. Nobody will own they gave him such orders without a force suitable. It was owing to his bravery, not to say, to a happy temerity. What have the rest of our ships done? The Spaniards have sailed, if report be true, to the West Indies, and are perhaps too considerable for this admiral. What had been the danger of putting 3 or 3000 land forces on board Vernon?

Cholmondeley. This number of soldiers is extended through all our dominions. An embarkation of 4 or 5,000 men requires a great number of ships for them and their subsistence. Sending them at one time of the year is sending them to destruction. The troops arrived from Ireland but a few days before Vernon embarked, the augmentation of our troops had not taken place; the marines were not raised. This question impeaches every thing which the king hath done for several months.

Newcastle. The Convention was broken 14 May: hostile orders were sent to Haddock 6th June, two days after the debate in this House. The same orders were sent to the West Indies at the same time, and if the wind had not hindered, Vernon would have taken the Assogues ship. He had as strong orders as it was possible to pen, and he said so himself, and so had all the admiralty. He went from London 16th July, and the augmentation of the troops was not completed till after Christmas. It would have been betraying the king not to have kept a force sufficient at home to hinder enemies from declaring themselves. I have no reason to think that we shall have disturbance from any quarter; but we may, and the stake is too considerable to risque, suppose we had put 3 or 500 land forces aboard him, this would have been much ridiculed. Now we can send such an expedition as will do good, and I shall be glad to have the next debate be upon, Take and Hold. If it be right I am sure we shall do it. I hoped the Convention would have pleased, as it hath produced a war. The delay of four months hath occasioned no inconvenience; we are better justified to the world, though really justified before.

Argyle. I disdain being influenced by hope or fear in this administration or the next. I wish all my thoughts upon public affairs were written upon Charing Cross; my only aim is to be reputed a man who speaks and acts what he thinks right. It is impossible to talk to the purpose without looking back. It must be a melancholy thing to every one to see in how different a state the nation is from what he must have seen it in, if he is not a very young man, though self interest may alleviate his grief. This change plainly proceeds from obstinate persevering in extreme wrong measures. Some ascribe all to the treaty of Utrecht. My thoughts of that treaty were known at the time. I condemned the treaty and the maker of it. But though it was bad considering how good it might have been, yet it gained something; and if the next ministry would have used those few advantages well, and restored that friendship with our allies which had been

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piece of ill conduct, in the prosecution of this just and necessary war."

A debate ensued, in the course of which,

The Duke of *Argyle* spoke as follows:—My lords; the present question is of so great importance, that I could wish that every lord in this House was to declare his opinion with the same sincerity, with the same unreservedness, which I think is my indispensable duty to use, when I lay my poor thoughts before your lordships. I,

but a little interrupted, all might have been well, But instead of that, you negociated and guaranteed all over Europe, and made one treaty to break another, and this hath brought us to our present circumstances. The maxim hath been, that any peace whatever is better than war, and this hath led you to be tributary round the world, and, after all, who are your allies? I observed a great laugh in the House when the noble lord said we made a great figure. What was the occasion of it, I cannot tell. So far as I was acquainted with affairs, which was as much as the whole people of England, I do think some troops might have been spared. Embarkations of horse are a most tremendous affair: those of foot have no great difficulty. The time of the year when Vernon went, or a little after, was the properest time to have sent them, and after you must lose another year. You have sir John Jennings, whose name will ever be honoured, a greater man than sir John Norris, superior to any man in Europe, and you have sent your fleet into the Mediterranean under a rear admiral. And what hath that immense fleet done? Till of late he blocked up the Spanish ships in Cadiz. I think they had better have sailed; for then you could have followed them with a squadron and land-forces, and they could have been secure no where but at the Havannah. But suppose this service right, it hath not been performed. Our fleet is gone either to Port Mahon or to refit, but could nothing have been done with our bomb-vessels and fire ships? I have a great opinion of Haddock, though it is the first command he hath ever had. Is it not then doubtful whether his instructions were clear? There is not a considerable seaman in England but will own something might have been done. Vernon might have been followed by land-forces. Why were not the levies begun much sooner; After Haddock's orders not to come back, did any body imagine that this could end without a war? Why then no preparation? If it was not known that there must be a breach, produce papers to shew it. But after the Vote of Credit, was there no time lost? I give up all pretensions to knowledge if right measures have been taken in any one point. I shall be glad it may be known, that none of the honour of the conduct of the army may be given to me. I declare myself incapable of such conduct as I have seen and see every day. Vernon hath done every thing that lay in him, and his success hath had the same reward that the duke of Marlborough's greatest battle had. But if I had read the answer to the Address on that occasion without reading the Address, I should have imagined the Address had been an approbation of the measures in general. Before the ten battalions came out of Ireland there were 18,000 men in this kingdom. A number equal to these battalions might have been sent away. How would an enemy have transported horse hither? A fleet is not so effectual to prevent invasions as seamen say. It can prevent invasions by ships and by horse. But 10 or 12 battalions may be sent over by surprize, especially if for some reasons you will quarter your troops at a distance from where they should be, but France will not attack you. For you are in the situation they wish you in. They see you have kept these troops because you are afraid of them, if they do but bring troops within 50 miles of the coast. This will hinder you from making an end of the war, and 4 or 5 years will make an end of your finances. If I had been consulted, I should have betrayed the interest of this country if I had not advised to send 3,000 men of our best troops. I should be glad to dispute this point with any military man.

Hardwicke, C. Who the pilots were, and what the ship suffered in the calm I know not; but they who endeavoured to avoid the storm are the fittest to govern the ship in it. The war begun in October: we are now in April. By the nature of our constitution we must be slower than others in some things. Our possessions in the Mediterranean, and our trade have been protected, and the Spanish ships blocked up. Would it have been proper to invade Old Spain? What else hath been omitted? Certain and infallible! what ways of talking are we come to? Do we leave Providence entirely out of the question? The assertion in the motion is that the "unexpected" taking Porto Bello "with 240 men" would have been more certain if soldiers had been sent from England. A few would have done nothing, and many would have taken too much time. Admiral Vernon was sent in haste to have done another service first. I am not in a panic about an invasion. But any power that wishes to weaken you, would take advantage if they could, and I would offer them no temptation. Perhaps France may find us in a weak condition some time hence. But do not put yourselves in a weak condition immediately. You have been at war but six months, and you have had no little success. Yet you are finding fault that you have not had more: and that what hath proved to be certain was not made more certain. At this rate, hard will be the fate of those who do or shall serve the crown, or which may be more attended to, of those who desire to serve the crown.

Argyle. I shall always be for putting dif-

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my lords, have no view in speaking upon public affairs, but to do that service to my master and my country, that I think every lord in this House ought to aim at, without regarding who takes his honest endeavours amiss. For my own part, my lords, I have, ever since I had the honour to sit in this House, spoke my mind with equal freedom upon all occasions, and will continue to do it the more sincerely, as I have neither hopes nor fears from this administration, and as few from the next; and, my lords, so void is my breast of all partial considerations, of all interested views, that I do not care if all my thoughts were read at Charing Cross; all my ambition being to be thought a man who speaks and acts as he thinks; and, my lords, it has been long my opinion, that by such a conduct a man may even force the esteem of his enemies.

I, my lords, have lived long enough in the world, to be able to compare the once flourishing state of this country, with its present melancholy situation; I have seen, my lords, a time when Great Britain was glorious, triumphant, and terrible abroad; her government loved, respected and envied at home; when her enmity was dreaded, and when her alliance was courted. Is there a subject in this kingdom, my lords, who can reflect that these were once the happy circumstances of this country, and yet sees the deplorable alteration which a few years have made, who will not feel a sensible concern upon the comparison, however self-interest may alleviate his grief? I know, my lords, what has been said in favour of those who have been the instruments of bringing this melancholy change about; I know it has been attributed to fortune, and to unforeseen causes. My lords, I am very sensible that fortune has very often a very great hand in public events, and that a nation may suffer a great deal from events, that no human foresight could prevent or guard against; but I am far from thinking that this has been our case. I am apt to believe, my lords, that fortune has been favourable to us, and presented us with many opportunities of raising the honour and interest of this nation to as high a pitch as ever, even while they have been suffering the most, but that these opportunities have been all wantonly slighted and neglected. It is, my lords, I am afraid, owing to a long series of misconduct, to a long train of weak measures, unsuccessful and unnatural expedients, and not to fortune, that this nation has suffered so much in her character and interest in all the courts of Europe. A very slight review, my lords, of our conduct for some years past, may convince any man of this truth.

The Treaty of Utrecht, my lords, is a measure that we have been often told is the source of all those inconsistencies that appear in our conduct for these last five and twenty years. My lords, I had the honour of sitting in this House at that time, and to have some share in the successes that might have entitled us to a much better treaty; I am very sensible it was not a good treaty; and when it came to be considered by the House, no lord spoke with greater freedom on that occasion than I did. At the same time, my lords, my opposition to that treaty could not proceed from any dissatisfaction, from any ill-will, that I could bear to those who concluded it. I lived on good terms, nay, had personal friendships with several who had a large share in the negociations that brought it about; but I opposed it because I thought it might have been better, and because it gave up many advantages that we might have then justly claimed. But, my lords, bad as it was, I do not think you have made a better since; and had even the advantages which the nation gained by the Treaty of Utrecht

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ficulties for the good of my country upon all that serve the crown. The noble lord's representation of the motion is toying with words. Nobody will suppose Providence meant to be excluded. It was great odds Porto Bello had not been taken.

Bathurst. I mentioned not "pilots" but "that pilot," and that pilot hath run us into the storm. A noble lord whom I should be glad to hear to day [Carteret] said very truly, that every year was worse than the preceding. We have made it possible to be as quick in this government as in an arbitrary one by a Vote of Credit.

Ilay. The words objected against are words proper to be toyed with. In 1715, home dissentions made the sceptre tremble in the king's hands, and had it not been for the conduct of the noble duke, from whom it may be well thought I am unwilling to differ, the battle for the crown would have been fought in the centre of the kingdom. If now we had sent 3,000 men away and any harm happened, would not this have been censured?

Bathurst. 'Certain and infallible' may be left out.

Question upon the motion,

N. C. 62. Of whom was the Bishop of Oxford.

C. 40.

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been improved by the next ministry, had they made a right use of their power in cementing the short lived misunderstandings that soon after broke out among our allies, and thus depriving France of all the means of retrieving her power upon these differences, you might, notwithstanding all that then happened, have gone on from glory to glory, till you had fixed the balance of power unalterably in your own hands.

But, my lords, the succeeding ministry took no warning from the misconduct of their predecessors; they took no care to avoid treading in their footsteps, though the ruin to which they led was so clearly and so evidently pointed out; they fell into a train of foolish negociations, which disobliged and detached your best friends from your interests, and which gave your natural enemies an opportunity of retrieving all they had lost. They adopted a maxim, my lords, that any, even the most dishonourable peace, was preferable to a war, and by their inviolable adherence to this maxim, they have led you into all that discredit, I had almost said scandal, that has come upon you from all quarters. This situation, my lords, is the more dreadful, as it is attended with no security. We have negociated ourselves out of all reputation; and though we have been doing nothing, but forming alliances and making treaties for these twenty years past, we have not at this day one ally in the world, nor one treaty that at this time stands us in any stead. My lords, I appeal to facts: where are your allies? Have you received the least assistance from any power in Europe since you entered into this war? or, is there any appearance of their declaring in your favour?

Having said thus much, my lords, upon the general state of the nation at this time, I shall now trouble your lordships' with my opinion as to this particular question. And here, my lords, I cannot help declaring, that I think the words of the question are extremely proper, and that it is very becoming your lordships' wisdom and dignity, while you have the state of the nation under your consideration, to enquire into the particulars which this resolution comprehends. It consists, my lords, of two plain undeniable facts, and one consequence; therefore I cannot see the least grounds for supposing with a noble lord who has spoken in this debate, that our agreeing to the resolution can ever reflect the least dishonour upon the glorious success at Porto-Bello, or that it is a censure upon the congratulations which have been presented already to his majesty on that account. My lords, truth will be truth, whatever glosses are made to disguise it, and whatever attempts are made to pervert it. The present question contains nothing but what every lord must admit of. The parts of which it consists, are no way complicated, and must be understood by every body who takes the pains to consider the fact; which, my lords, is, that, if admiral Vernon had been furnished with a proper body of land-forces, the taking of Porto-Bello might have been rendered not only more certain and infallible, but have been attended with greater consequences to the nation. My lords, the noble lord who made the motion gave your lordships no ground for thinking that he meant a scriptural infallibility, such an infallibility as the church of Rome vests in her popes, by the words certain and infallible contained in this motion; no, my lords, as I understand the words of the resolution, they mean no more, than that if admiral Vernon had been furnished with land forces, it was fifty thousand to one if he had failed in his attack upon Porto Bello; whereas there were many chances to one against his success, as he was not furnished with them. The words certain and infallible, therefore, are here put in opposition to the precariousness and uncertainty he was under in making such an attack with so trifling a number. For, my lords, give me leave to say it, had the Spaniards behaved with resolution, had they defended the place as well as its fortifications might have admitted of, admiral Vernon could not have succeeded. And as it was, my lords, nothing but his own intrepidity and good conduct could have prevented his ships coming very indifferently off; but he acted with the resolution that became an English admiral; he said, he could take the place, and he would take it; and, my lords, it was owing to him, and him only, that it was taken: for it appears that his ship did all the damage to the Spaniards. Now, my lords, can any lord doubt, that if admiral Vernon had been properly supported by a sufficient body of land forces, that he might not have attempted greater matters than the taking and demolishing of Porto Bello?

Having said thus much, my lords, in defence of the facts contained in the question, I come now to the consequence, which I suppose to have been that part of

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the motion that has given rise to all this debate. This consequence, my lords, is, that the not sending land forces with Mr. Vernon was a piece of mismanagement in the prosecuting this just and necessary war. My lords, who doubts that it was? A noble lord, who spoke first in the debate, was pleased to say, that a great many things were necessary to be provided, in order to embark any number of land forces for so distant a voyage. My lords, it is now a long time since I served, and it is possible that at my years I may have forgot a good deal; but, my lords, I hope, that what I have forgot is amply supplied by the experience and capacity of my cotemporaries and fellow-officers, and that they (several of them, my lords, sit in this House) will set me right if I should mistake in any point. My lords, I have been a little used to embarkations, and I do agree with the noble lord, that the embarkation of troops is a very tedious and difficult matter. But your lordships will be pleased to observe one distinction which the noble lord did not make; and that is, my lords, that there is a great difference betwixt embarking horse and foot. I have had experience of both, and it certainly is no easy matter to embark any number of horse; but, my lords, it is by no means so difficult a matter to embark 5 or 6, or 8,000 foot. And had such a number been embarked at the time when the troops were brought over from Ireland, my lords, I make no doubt but by this time we might have been in the possession of a place in the West Indies, which might have paid us for all the expence of this war, had we kept it. The taking of Porto Bello, my lords, was a brave action; it shewed what an English squadron, if rightly commanded, can do; but had Mr. Vernon been at that time furnished with a proper body of land forces, I do not know how far he might have carried his conquests. Common fame reports, that he is now before Carthagena, and I wish him all the success which his bravery and conduct deserve: but does any lord here doubt, that if at this time, supposing him to be before Carthagena, he had eight or ten battalions along with him, that he might not promise himself a much more certain and easy conquest? Had he eight or ten battalions on board, my lords, might he not attempt a conquest of more importance to this nation than even that of Carthagena itself? My lords, I speak of these things according to the light in which they appear to me: what private reasons there might be for not sending land forces along with that admiral, I shall not pretend to account for; because I am no otherwise acquainted with the public transactions, than all the good people of England either are or may be.

A noble duke, who has spoke in this debate, has said, that the season of the year is to be considered, and that the sending troops into America at certain seasons is attended with the worst consequences to the persons of the men. My lords, I am extremely sensible of that; and know, that if you send men from this kingdom at such a season, as that they must land in America during the unwholesome months, you send them to their death. For which reason, my lords, when I heard a great deal of talk about an expedition, and that we were to send over 10 or 12,000 men to America, in order to take the Havannah, or some important place from the Spaniards, I thought it was a very right measure: but when I heard, that the troops designed for that expedition, were to be sent off from Britain about the end of February, or the beginning of March, I said that it was impossible, and that they must land in America at the very time when the violent heats and unwholesomeness of the climate must kill, at least, one half of them. Therefore, my lords, I was very glad to hear that this expedition was delayed to a more proper opportunity. But, my lords, when admiral Vernon sailed from hence, it was the properest season in all the year for sending men over to America; for they must have landed there at the best time and in the mildest season of all the year; so that no objection of that kind can be brought against our not sending land forces with Mr. Vernon. As we did not think proper to send them at that time, my lords, we lost that year; and if we shall let the approaching season pass without sending out the troops designed for the expedition that is so much talked of, we must lose another year, and so give the Spaniards more time for fortifying and putting themselves upon their guard. So that, my lords, I take it this is a plain argument why we ought to agree to this resolution; for if we knew at the time of Mr. Vernon's sailing from hence, that we must lose another year, in case we did not send the land forces then; to be sure, they who were in the direction of affairs were the more inexcusable, as they brought another year's expences upon the back of

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the nation, which is so little able to bear it. For, my lords, it is there that we can most effectually distress them; it is there that their most sensible parts lie; and it is only by attacking them there, that we can ever hope to get out of this war with honour and advantage.

The same noble duke was pleased to assert, that all had been done that was to be expected on the coast of old Spain, where we have had a strong squadron lying for near two years past. All has been done, my lords! What single thing has been done, (except the taking a ship or two) that could make the Spaniards feel that you had a squadron there? And, my lords, give me leave to say, a squadron fitted out at a vast expence to this nation: it consisted of more and better ships than even sir John Jennings, who will always be remembered on those seas to his immortal honour, ever had the command of. It was a stronger fleet, my lords, than ever was given to sir John Norris, who certainly, in his way as a sea-officer, is superior to any man in Europe. My lords, I think the service upon which Mr. Haddock was sent deserved to have been committed to one of your admirals, the best and ablest officer in his majesty's service; I say this, my lords, without any intention to reflect upon any gentleman who has the honour to serve his majesty as a sea-officer; I have a great esteem for all, and no exceptions to any of them: But, my lords, as our reputation was beyond all things to be regarded, especially at the beginning of this war, I think we ought to have employed those who had rank and standing in the fleet, besides courage, which every man is supposed to have; and this would have, perhaps, given the Spaniards to understand that we were in earnest, as much as any thing, except some vigorous stroke.

But, my lords, give me leave to ask what has this great fleet done? What return has the nation had for all the immense expences she has been at in fitting it out? Has it done any thing to retrieve your honour? any thing to revenge your wrongs? any thing that may answer the great and necessary purposes for which this war was entered into? No; the trade of the nation has suffered vastly in those very seas where this fleet lay. The Spaniards have indeed been prevented from sending out their ships; but at the same time they have got a great many safely home, notwithstanding the vigilance of this fleet of ours. There has nothing been done, my lords; and will any man say that nothing was to be done? Unexperienced as I am in naval affairs, I could point out several things that might have been done, besides blocking their ships up in the bay of Cales.

And here, my lords, I must beg your lordships' indulgence a little, if I give the House my sentiments with regard to that favourite piece of service, I mean the blocking up the Spanish fleet in the bay of Cales. I know I am singular in my opinion on that head, and I do not expect that many lords will be of my way of thinking in this particular; but, my lords, I think it was a very useless, ill judged piece of service: It was a piece of service that this nation had much better been without. I am sorry, my lords, that I differ with those who gave the orders in this respect; but I think it had been much better that the Spanish fleet had sailed. For, my lords, if it had sailed, we could have followed them to America, perhaps overtaken them at open sea; in any event we must have met with them in their West-Indies; and then, my lords, we could have destroyed or taken them, which would have been a brave and a seasonable piece of service to the nation. Nay, my lords, if we had had a proper land-force on board, we could at the same time have made other pushes, which could not have failed of being of vast advantage to this nation, and putting the differences betwixt us and Spain upon a very short issue.

But, my lords, to what purpose has this fleet been blocking up the Spanish ships all this time in their harbour? If I am rightly informed, or if I am to give any credit to what is very publicly talked, that service has been ineffectual; for the Spanish ships have escaped. So that, my lords, we have for two years, at a vast expence, been endeavouring to do what we find turns out to no manner of account, while there were many services which that fleet might have performed, that must have put an end to the war in our favour before this time. I know, my lords, it was given out that Port-Mahon was in danger, and that our admiral has sailed to prevent any surprise from that quarter; but when I reflect upon the long time he has now been at sea, and the nature of the seas where he has been lying, I doubt his ships have been so dreadfully out of order, that he has been obliged to leave his station. From what I have said, your lordships may see that it is evident, the war on

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that quarter has been very ill managed, and fortune is not to blame; for we have met with no cross accidents, no losses that have disabled us from performing services that might have been solid and lasting advantages to the nation, besides saving the vast sums that we have been obliged to expend. I shall not, my lords, pretend to point out by whose fault all this has happened. I know admiral Haddock to be a very brave, worthy man, and one whom I am sure would, as far as the force he had with him could reach, perform any piece of service for the honour of his king and country, that he was sent out on: In short, my lords, I know him to be a man, who, as a sea-officer, has every good quality, except that of great experience in great command. For all these reasons, my lords, when I reflect upon the unactive state he has been in ever since he sailed from England; when at the same time I reflect upon the great services which it was in his power to have performed, I cannot in charity but doubt that his instructions bound up his hands. There is not, my lords, a common sailor that will not tell you, if you ask him, that fifty things might have been done to annoy the Spaniards upon those very seas.

Having said this much with regard to admiral Haddock, and what has been done in the Mediterranean, I shall now take the liberty to make some observations upon what a noble duke has said in excuse for our not sending a sufficient number of troops to the West Indies. His grace took notice, that when Mr. Vernon sailed, the battalions from Ireland had been arrived but two days, and therefore that they were in a very bad condition to be shipped on board for such a voyage. It is very true, my lords, that it must have been impracticable to have sent these troops on board at that time. But what I would be informed of is, why those troops from Ireland were not sooner brought over? Can it be pretended, that it was uncertain we should enter into a war with Spain before that time? My lords, I appeal to the papers upon your lordships' table, to prove, that, even in the opinion of our ministry, the war was then inevitable. I appeal to what passed in this very House, when several lords, who certainly knew a great deal of what was passing at that time, declared, that all speaking and treating was now at an end, and that then was the time for acting. But, my lords, where could the harm have been, if, upon even the suspicion that the nation was to enter into a war, these troops had been brought from Ireland? My lords, the very letters which Geraldino wrote up and down this kingdom before he went away, do not leave us the least room to question, but that the ministry, long before that time, knew that a rupture with Spain was unavoidable.

My lords, I come now to speak a little with regard to the management of our affairs at land, the element to which my services have been mostly confined. And here, my lords, give me leave to say, that I must give up all pretensions to common sense, if there have not been many wrong steps taken in the affairs of the army, so far as appears to me, since our entering into this war. I am glad of this opportunity of disclaiming my having any hand in such a conduct as I every day observe; if they who give the orders shall reap any honour from their management, I shall rob them of no share of it, and I wish them much joy in it; but at the same time, while that I renounce the honour, I refuse to have any part of the discredit that may arise from the present measures that are pursued. The noble duke who spoke in the debate, said, that he should have looked upon himself as a traitor to his prince, if he had advised him to any other measures than what have been pursued. My lords, there the noble duke and I widely differ; Had I had the honour to have advised his majesty, I should have been clearly of opinion, that a body of 6 or 8,000 men should have been sent out with Mr. Vernon, and those too of the best troops we have. It was owing to Mr. Vernon's courage, my lords, that he succeeded as he did, and he has been nobly rewarded: He has, my lords, had the very same reward that was bestowed upon the late duke of Marlborough upon the victories of Hochsted, Ramellies, and Malplaquet; and that is, the addresses of both Houses of Parliament, and of the city of London, congratulating his majesty upon his success. So that there cannot, my lords, be greater honours done to a subject, than what has on this occasion been done to that brave honest man Mr. Vernon; that is the greatest character that I can give any man; and that character I know he deserves. But, my lords, no officer in the king's service has for some years past made so little a figure in his way, as this gallant admiral has done. I cannot say what this is owing to; but his present

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glory makes him ample amends for all his late obscurity. And, my lords, give me leave here to observe, what a vast encouragement it is for all his majesty's officers to do their duty, when they reflect, that their success procures them the greatest rewards and honours.

My lords, I am far from believing the gentlemen of the navy, when they tell us, that their ships are a sufficient guard to our coasts, and that we can by means of them prevent all invasions. I do admit, my lords, that the French may take an opportunity to throw over 10 or 12,000 men here, and that our ships cannot prevent their landing; but, my lords, though we had sent out ten battalions with Mr. Vernon, we still had 18,000 men left to guard the nation; and these must have been an over-match for any number of men the French could have landed here. All the number, my lords, which they can throw over to this country, before our fleet can come to our assistance, are so inconsiderable, that their landing would deserve the name of a surprise, rather than of an invasion. Let us suppose the worst, my lords, and that we had been invaded with a greater number, our 18,000 men must still have made head against them; and I dare say, it could have been no difficult thing for the government to have raised recruits as many as they could have occasion for.

But, my lords, I cannot for my life conceive what should tempt France to invade you; she has at the head of her councils a minister who knows how to make peace, and how to make war, and both equally to the honour of his country. If that minister, my lords, entertains any designs to the prejudice of this nation, he will never invade us while he has us in the very situation he could wish for. We are now paying great fleets, great armies, my lords; we have been paying them for some years past, and all to no purpose. This plays the game of France, if she has a design to break with you, more effectually than any invasion can do, while the nation reaps no advantage from the vast expence she is at. My lords, I am afraid we are now suffering more, than if she were actually at war with us: We, from year to year, keep up useless armaments by sea and land, which must ruin our finances; and finances, my lords, are the blood and sinews of war.

The noble duke took notice that our agreeing to this resolution looked like passing a censure upon what we had already congratulated his majesty for. No, my lords, I see no reason for viewing it in that light. It is very possible, that this House may approve of one step, and disapprove of the rest, and I believe there are many precedents of it. The noble duke likewise said, that the infamous libels which are daily published against the government, are a proper consideration for this House, when we are upon the state of the nation. My lords, I have occasion to see a good many papers wrote upon public affairs upon both sides of the question. My opinion of them, my lords, is, that on one side they are weak, scurrilous, void of reasoning, and never can be accused of wit: On the other side, they are wrote with at least a show of reasoning and argument, and with a regard to good sense and good manners. And, my lords, it is notorious, that in the papers of the former, some of the greatest characters in the nation have been attacked and blackened; So that an enquiry of that kind would, I believe, come out no way in favour of those who write for the administration.

Upon the whole, my lords, I do not see the least inconveniency that can attend your lordships agreeing to the resolution: To me it contains nothing but a plain demonstrable fact; and all the arguments I have heard against it have rather confirmed me in favour of it. I see no reason why your lordships should be in any pain about agreeing to a thing that can affect but a very few, and may occasion the future management of this war to be put upon a more sure and advantageous footing for this nation than it has hitherto been. I am persuaded, my lords, that if the thing that is censured in this resolution had been properly provided against, we should have by this time brought our enemies very low, and have either obliged those who are neuter to be our very good friends, or to declare themselves in such a manner as might put us upon our guard, and let us know what we are to expect. My lords, I ask your lordships' pardon for having troubled you thus long, but I thought the importance of the occasion required it. I shall conclude with declaring, that I am for agreeing to the motion.

The motion was negatived: Contents 40. Not Contents 62.

*Speaker Onslow's Speech to the King on presenting the Money Bills.**] April 29.

* From the London Magazine.

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The King came to the House of Lords. The Commons being come to the bar,

Mr. Speaker *Onslow* addressed his majesty as follows:

"Most gracious sovereign,

"The Commons of Great Britain, in parliament assembled, beg leave to present to your majesty the Money-Bills for the sums that are necessary to carry on the great and important business of this nation. They amount, in all, to four millions of money; an immense sum indeed! but granted by your Commons not only with cheerfulness, but unanimity, and a great part of it with unusual dispatch; this, Sir, arose, from the assurance they have, that it will be expended for the great and necessary purposes for which it is granted.

"Thus, your majesty has the satisfaction to perceive, that your faithful subjects have done their duty, in enabling your majesty to support those vast armaments both by sea and land, which are, under your majesty's wise direction, to procure them satisfaction for those wrongs that have been wantonly inflicted upon this nation by an insolent enemy, who vainly imagined, that a prudent forbearance was the effect of pusillanimous councils, and that willingness to avoid, if possible, a destructive war, proceeded from an inability to punish their injustice. But, thanks to heaven, there is yet a strength and spirit in the nation, that may convince them how fatally they are mistaken, and the sum which your faithful Commons have now the honour to present to your majesty, is a proof of the great power which this nation is able to exert, when the glory of your majesty's crown, and the preservation of their own just and undoubted rights, calls it forth. At the same time, the unanimity and cheerfulness which appears among your faithful Commons, to support your majesty in this just and necessary war, may give other and more formidable powers to understand, what they are to expect, if they shall join with the present enemies of your majesty's crown and people. It is, perhaps, owing to this unanimity and cheerfulness, that we are as yet engaged in a war with Spain alone, and that, during the course of this war your majesty's subjects have been enabled, without any material interruption, to prosecute their most valuable branches of trade, while their enemies have met with the severest checks, and have fatally experienced, how feeble their riches and wealth are against the efforts of a brave people, united under a prince who knows no interests separate from theirs, nor aspires at any glory greater than that of preserving them in the full enjoyment of their rights and privileges.

"Let the enemies of this nation, therefore, boast of their far brought treasure; let them rely upon their wide extended dominions, while all Europe are witnesses, how little the advantages that arise from either, avail against that irresistible strength, which arises from industry, liberty and commerce. These invaluable mines of the British treasure have been fully protected under your majesty, and your faithful Commons reflect with pleasure and gratitude, that it is owing to this constant attention in your majesty to the great concerns of your subjects, that they are now enabled to grant to your majesty the great sums contained in these bills.

"The great success of your majesty's arms under your majesty's brave admiral in America, is an illustrious proof of your majesty's wise and prudent care in giving the proper orders for distressing the enemy in the most sensible parts. The bravery of your majesty's subjects on that occasion, will, no doubt, convince the enemy of the superiority, which a just sense of the most ignominious treatment of your majesty's crown, and the barbarous inhumanities inflicted upon their fellow subjects, will always produce in a people jealous of their sovereign's honour and their own rights. The other successes that in the course of this war have attended your majesty's arms, are so many instances of the vast power of this nation, when she exerts her true and natural strength, and give your faithful Commons the pleasing prospect of your majesty's ending this just and necessary war with that glory to your majesty, with that security to their own undoubted rights of navigation and commerce, and with that honour to the nation in general, which the goodness of your majesty's cause, the wisdom of your councils, and the bravery of your forces deserve.

"It will be owing to ourselves, if we are disappointed in this expectation; and we can only have ourselves to blame, if this war is not attended with numberless advantages to your majesty's dominions. But if we are united at home, we have nothing to dread from abroad; and we have every thing to hope from your majesty's known attachment to the rights and liberties of your people. Our situation, as an

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island, defends us from all attacks of foreign power, and your majesty's faithful Commons hope, that no disunion among ourselves shall ever give the common enemies of the nation, whoever they are, those advantages which they now despair of obtaining by arms. It is union alone, (and we may say with pleasure, we are all united in the present great work) that can take from our enemies the least shadow of hope to succeed, either by open force, or domestic treachery. It is by each of us in our several stations endeavouring to promote that duty and zeal for your majesty's person and government, that regard for the laws and constitution of this kingdom, and that abhorrence of those principles which have ever tended to subvert our liberties: it is by such a behaviour alone, that we can reap those blessings, which your majesty's wise and mild administration, and the glorious success of your majesty's arms in the course of this war, gives us the most solid foundation for expecting.

"At the end of the last great war, in which the very power that your majesty's arms are now chastising, was a party against us, we might have secured those advantages in the most effectual manner, had we been but true to ourselves, and had we not given up in a shameful manner, all the terms which this nation had a right to expect from a long, glorious, and expensive war. Providence has again brought the same opportunity about; and your majesty will, we hope, soon retrieve, by your wise and successful conduct in the prosecution of this great and important war, those advantages, in point of commerce and navigation, that were then sacrificed to our domestic animosities, which would not suffer us to discern our real interests. But your majesty's regard for the rights and privileges of your subjects on this great occasion, has united all parties in a just sense of the wrongs the nation has suffered, they are all agreed upon the terms your majesty has a right to require, and your majesty's faithful Commons will think themselves happy, they will think all the treasure employed at this important juncture, wisely and usefully applied, if it shall procure to the nation those advantages of commerce and navigation, which we then gave up.

"It is from the regard your majesty has always shewn for the just rights of your subjects, from that inviolable attachment to the interest of this nation, which have been always the rule of your majesty's administration, that your faithful Commons promise to themselves such a full security in the exercise of their navigation, as may raise this nation to a higher pitch of grandeur than she could have hoped for even on the conclusion of that great war. The measures which have hitherto been pursued, give them the strongest reason to believe, that all their just expectations will be fulfilled, and that the reputation, commerce, and influence of this nation, under your majesty, will be put upon such a footing, as to put them beyond the possibility of all future violation, even from the most powerful and most formidable enemy, which this nation now has, or may hereafter have to encounter.

"As your majesty, by the attention you have still paid to the just desires of your people: as by your majesty's continual application to the sense of your great council upon every step that has been taken in the prosecution of this great work, you have convinced your subjects that you pursue no interests separate from theirs, so there is nothing that may be necessary for them to fulfil in the future management of the war, that your majesty may not justly promise to yourself from their affections and gratitude. As they and all Europe are witness with what reluctance your majesty entered into this war, while there remained any hopes of obtaining, in the way of negociation, that which your majesty endeavours now to obtain by force of arms; as they feel no other inconveniences from it, but such as must unavoidably happen in the course of a maritime war, so they have reason to hope that it will be as gloriously ended, as it has been hitherto successfully conducted, and that all Europe will be convinced from the fate of Spain, how dangerous it is to provoke the resentment of your majesty, or to attack the rights of a nation, who derive their riches and strength from commerce. And indeed, who can say, that this war may not be critical to Great Britain, by opening channels of trade hitherto denied to your majesty's subjects? Who can say, it is not reserved to be the peculiar glory of your majesty's reign, that Great Britain shall, from the event of this war, extend her commerce, and enlarge her possessions, so as to acquire a degree of strength and power unknown to her under the most glorious of your majesty's predecessors?

"Their glory often desolated their kingdoms, and impoverished their subjects, but it may be your majesty's happiness to re-

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cencile your glory to the noblest, the richest gifts of peace and commerce, by the encouragement given to your majesty's subjects, to attack the possessions of your majesty's enemies in America. A Bill, to which your majesty has already given your royal assent, has this same session passed both Houses for the purpose; by that Bill such encouragement is given to your majesty's adventuring subjects, or other your majesty's forces, if they shall attack and conquer any part of the enemies' distant possessions, as cannot fail of obtaining those advantages in trade and navigation, which we were formerly so wanting to ourselves as to overlook; advantages that may raise the power and reputation of this nation to the highest pitch upon the most solid foundation, and unalterably fix the balance of Europe in the hands of your majesty, and your august House. These are the consequences which your majesty's subjects may reasonably promise to themselves from the event of this war. They are consequences that will distinguish your majesty's reign to all posterity, by making this war as productive of happiness and riches to your majesty's subjects, as others have been of desolation and ruin.

"The great aids which your majesty's faithful Commons now present to your majesty, will enable your majesty to retain the dominion of the seas, which will render it impossible for any power in Europe to give your majesty's enemies such assistance, as to wrest from your majesty any of the advantages which your majesty's subjects promise to themselves from this war, and which will be such a source of wealth to this nation, as may give posterity reason to reflect with pleasure upon the generous views of your majesty, and the provident wisdom of this parliament.

"And now may that God, to whom your majesty has now appealed, bless your majesty's councils and arms with the success which the justice of your majesty's cause deserves, and make this war as glorious and happy to your majesty, and subjects, as it has been wisely and necessarily entered into by your majesty! And that your majesty's faithful Commons may not be wanting to your majesty, to the nation, or to themselves, in providing for what lies at their door towards making this a glorious and a successful war, they beg your majesty's gracious acceptance of the following Bills, which will convince your majesty and all the world, that under whatever difficulties this nation may labour from its public debts, yet your majesty's subjects will always find the means of supporting your majesty, while your majesty so effectually employs your power in protecting them."

The King's Speech at the Close of the Session.] His majesty having given the royal assent to the said Bills, put an end to the Session with the following Speech to both Houses:

"My Lords, and Gentlemen,

"The zeal which you have shewn, for the support and prosecution of the just and necessary war, in which I am engaged, is a fresh proof of your concern for the honour and interest of my crown and kingdoms. As this great and national undertaking is the principal object of our attention and expectations; so the justice of our cause, and the success which hath hitherto attended my arms, give us the most reasonable hopes, that, by the continuance of the divine assistance, we may see a happy issue of it.

"Gentlemen of the House of Commons,

"I thank you for the effectual supplies which you have granted me for the service of the current year. The best return I can make is, to assure you, that they shall be duly employed to the purposes for which they were given.

"My Lords, and Gentlemen,

"I have formerly recommended to you union amongst yourselves, as being highly conducive to the carrying on this great work with honour and advantage, and to the more speedy obtaining of all possible justice and satisfaction from the crown of Spain, for the many grievous injuries suffered by my subjects, and effectual security for the freedom of our commerce and navigation for the future: I do now earnestly exhort you, to promote and extend that union in your respective countries: let the support of the common cause of the nation prevail, to attain this desirable end. Our enemies must already have been made sensible, in some degree, of the weight of our just resentment. They see my kingdoms in such a posture of defence, as must render all attempts from them, without encouragement from amongst ourselves, vain and desperate. They see the trade and navigation of my subjects protected, as far as the nature and circumstances of a maritime war will possibly admit; and at the same time, the most valuable branches of the Spanish

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commerce greatly interrupted, and subjected to many difficulties and losses. From these happy effects of my early endeavours, and your ready concurrence at the first entrance into the war, I cannot but hope that the preparations which I am now making for carrying it on, in the most proper places, and in the most vigorous and effectual manner, will be blessed with success, equal to our just expectations."

PRINCIPAL OCCURRENCES DURING THE RECESS—*Divisions in the Cabinet—Situation of Foreign Affairs—Efforts of France—Counter Efforts of England—Death of the King of Prussia—And of the Emperor—Accession of Maria Theresa—Meeting of Parliament.*] "Soon after the prorogation of parliament, and the king's departure for Hanover, the division in the cabinet increased to so high a degree, that at one time, the continuance of Walpole and Newcastle in office seemed incompatible; and it appears that Walpole, notwithstanding the approach of a new parliament, had resolved to obtain his dismission, even in the king's absence. A temporary reconciliation was, however, effected, by the intervention of Horace Walpole, Pelham, and lord Hardwicke, and promises were made on both sides to act with renewed cordiality. But the promises of statesmen are fickle, and soon forgotten. Although a dissolution of the ministry was prevented, yet the same jealousy still subsisted. The most violent and indecorous altercations took place at the meeting of the lords of regency; and after the return of the king, even in the antichamber. Walpole seems occasionally to have lost his usual moderation and good temper, and to have adopted the peevish fretfulness of Newcastle.

"It was the object of Newcastle to send all the ships which could be spared to America, for the purpose of ensuring success to the expedition in that quarter. Walpole thought that the affairs of Europe were too much sacrificed to those of America, and was apprehensive lest the coast of England should be left exposed. The Grafton, a ship of 70 guns, being disabled from going to the West Indies, it was proposed in the council of regency, to send the Salisbury, a 60 gun ship, in her room. To this the minister objected, and peevishly exclaimed, "What, may not one poor ship be left at home? Must every accident be risked for the West Indies, and no consideration paid to this country?" Newcastle having replied, that the number of sir Chaloner Ogle's squadron ought not to be diminished, Walpole made a long speech, in the course of which, he exclaimed with great heat, "I oppose nothing, I give into every thing, am said to do every thing, am to answer for every thing, and yet, God knows, I dare not do what I think right. I am of opinion for leaving more ships of sir Chaloner Ogle's squadron behind; but I dare not, I will not, make any alteration;" and when the archbishop of Canterbury proposed that the matter should be taken into consideration another day, he opposed it, and said, "Let them go, let them go."

"But a scene of still more petulant altercation took place soon after the king's return from Hanover. A difference of opinion had prevailed in the cabinet, concerning the mode of applying to the courts of Vienna, Berlin, and Petersburgh, in which the sentiments of Walpole had been over-ruled, and he bitterly complained to the king, that the divisions of the cabinet obstructed public business. In the next audience, the king remonstrated with the duke of Newcastle and Harrington; and said, "As to the business in parliament, I do not value the opposition, if all my servants act together, and are united; but if they thwart one another, and create difficulties in transacting public business, then indeed it will be another case." Coming out of the closet, the duke met Walpole, and mentioned the disagreeable expressions which he had just heard, insinuating, in reproachful language, that they had been adopted at his suggestion. Walpole denied the imputation, though he acknowledged that he agreed in the sentiment. Newcastle said, 'When measures are agreed amongst us, it is very right that every body should support them, but not to have the liberty of giving one's opinion before they are agreed, is very wrong.' Walpole indignantly replied, 'What do you mean? The war is your's. You have had the conduct of it. I wish you joy of it.' The duke denied the fact, and they parted in mutual disgust.

"The situation of continental affairs was not such as to compensate for the miscarriages in America, or to assist in composing the growing feuds in the cabinet.

"An apparent harmony and good understanding had continued between the courts of Versailles and St. James's during the progress of the negociation which ter-

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minated in the peace between the emperor and the allies. Fleury and Walpole, both anxious to maintain tranquillity, courted each other with affected expressions of good will and amity; and lord Waldegrave, the channel of their mutual intercourse, ably seconded the views of the British minister. The dismission of Chauvelin, which had been chiefly occasioned or precipitated by the representations of Waldegrave, did not render the French cabinet intrinsically more favourable to England. Amelot, who succeeded him, was of a pliant disposition, and wholly subservient to Fleury. The two nations were as opposite in their political sentiments, as their shores to each other. During the progress of the disputes with Spain, Fleury affected to act a conciliating part, and tendered his good offices; but when the rupture took place, the French, however inclined to assist Spain, were not, from the decline of their naval force, in a condition to come forward with effect and energy. But when Fleury, deriving fond expectations from the pacific sentiments of Walpole, attempted to intimidate England, by declaring that any conquests in Spanish America should be the signal of immediate hostilities, and would inevitably bring on a general war in Europe, the British cabinet spurned at these menaces, and continued the expeditions to the West Indies. Alarmed at this unexpected firmness, Fleury anxiously proposed the mediation of France, and even offered to secure the payment of the 95,000*l.* which the king of Spain had refused to liquidate. But such was the temper of the English nation, and such the rancour against Spain, that the minister, however well inclined to an accommodation, could not venture to listen to any proposal of peace, and the mediation was declined.

"The French cabinet foreseeing, that if no compromise was effected, hostilities were inevitable, concluded, in the midst of their amicable overtures to England, a family compact with Spain, laboured in every part of Europe to form alliances, and to isolate England from the continent. They influenced, either in a direct or indirect manner, the wavering and pusillanimous counsels of the Dutch republic, who weakly considered the Spanish war as foreign to their interests as a dispute between Nadir Shah and the Great Mogul. They governed Sweden and directed the Porte; swayed the imperial cabinet, and gave an impulse to most of the German princes.

"Walpole, aware of these intrigues and efforts, counteracted them by similar exertions. Subsidiary treaties were made with Denmark, and with the king of Sweden, as landgrave of Hesse Cassel, by which 6,000 Danes and 6,000 Hessians were to be held in readiness to be taken into British pay. Trevor, who had succeeded Horace Walpole at the Hague, strained every nerve to rouse the Dutch from their supineness and apathy. The British minister at St. Petersburgh acquired an ascendency in the Russian cabinet, and Robinson succeeded in rousing the emperor to a sense of the disgraceful situation into which he had been plunged by the ascendency of French counsels, and in stimulating his fears and jealousies at the boundless ambition of the house of Bourbon.

"In the midst of these transactions, the death of Frederick-William, king of Prussia, opened a new scene of intrigue and exertion between the two rival courts, and Berlin became the centre of negociations which were to pacify or convulse Europe. Frederick-William, who united the discordant qualities of a pacific and military sovereign, and who loved the image, while he dreaded the reality of war, had continued, almost during his whole reign, in a state of wise but calumniated inaction. His son and successor, Frederick the second, whom poets and historians have styled the Great, was a prince of aspiring ambition, and possessed of talents, equally calculated for negociation or action. He listened with affected complacency to the respective overtures of France and England, without declaring his designs, watching for a favourable opportunity to employ the well-organised army, which he inherited from his father, to his own glory and interest.

"The time seemed favourable to allay the jealousy which had so long subsisted between the houses of Brunswick and Brandenburgh. This had long been a favourite measure with Walpole, who had in vain endeavoured to reconcile their jarring interests. He now succeeded in overcoming the pertinacity of the king, and in fixing the wavering resolutions of the cabinet. At his instigation, a plan of a grand confederacy against the house of Bourbon, of which the king of Prussia was to be the soul, was formed by Horace Walpole, approved by the duke of Newcastle, and submitted to the king.

"While this measure was in agitation

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with a fair prospect of success, the death of the emperor Charles the sixth, and of the Czarina, totally changed the system of European politics, and deranged the measures of the British cabinet. In virtue of the pragmatic sanction, Maria-Theresa, eldest daughter of the deceased emperor, instantly succeeded to the whole Austrian inheritance. She was acknowledged by all the powers of Europe, excepting the elector of Bavaria, who had alone refused to guaranty the succession of the female line, and she conceived the most sanguine hopes of being able to raise her husband, Francis, great duke of Tuscany, to the imperial throne, so long possessed by her ancestors. But the calm and sunshine which ushered in the new reign, were soon overclouded. The king of Prussia revived an antiquated claim to part of Silesia, and asserted his pretensions, by leading an army, in the depth of winter, into that duchy. He was favourably received by the Protestants, who formed two thirds of the natives, successively occupied Breslaw, the capital, and several other towns, without the smallest resistance, and defeated, at Molvitz, an Austrian army, composed chiefly of veterans, under the command of marshal Neuperg. The British cabinet, knowing the defenceless state of the Austrian dominions, solicited Maria-Theresa to purchase the friendship of Frederick, by acceding to his demands, and by sacrificing a small part of her territories to secure the remainder. The queen of Hungary, however, peremptorily rejected all proposals of accommodation, and appealed to Great Britain for the succours stipulated by the treaty which guarantied the pragmatic sanction. The successful irruption of Prussia brought forward numerous claimants to parts of the Austrian succession. The electors of Bavaria and Saxony, the kings of Spain and Sardinia, all secretly abetted or openly aided by France, evinced a disposition to join Frederick in hostilities against the House of Austria. Under these critical circumstances, both at home and abroad, the last session of this parliament assembled."*

* See Coxe's Memoirs of sir Robert Walpole.

SEVENTH SESSION
OF THE
EIGHTH PARLIAMENT
OF
GREAT BRITAIN.

*The King's Speech on Opening the Session.**] November 18, 1740. The King came to the House of Peers, and opened the session with the following Speech to both Houses:

"My Lords and Gentlemen,

"I acquainted you, at the close of the last session of parliament, that I was making preparations for carrying on the just and necessary war in which I am engaged, in the most proper places, and in the most vigorous and effectual manner. For this purpose, strong squadrons were got ready, and ordered to sail upon important services, both in the West Indies and Europe, with as much expedition as the nature of those services, and the manning of the ships, would admit: a very considerable body of land forces was embarked, which is to be joined by a great number of my subjects raised in America; and all things necessary for transporting the troops from hence, and carrying on the designed expedition, were a long time in readiness, and waited only for an opportunity to pursue the intended voyage.

"The several incidents which have happened in the mean time, have had no effect upon me, but to confirm me in my resolutions, and to determine me to add

* "The approaching session being the last of the parliament, great efforts were made for having one returned against the minister. Though these efforts were general all over the kingdom, where the opposition had any interest, yet they were most prevalent in Scotland, where the duke of Argyle exerted himself with extraordinary vigour. In a journey which he made this summer there, he had collected together the whole interest of the opposition, which was very great in those parts, and had been of late much increased by the unpopular proceedings of the government in the affair of Porteous. The people, from the late merits of his opposition, regarded him as their protector and future deliverer. Addresses from public bodies were presented to him as if he had been a crowned head; and by the popularity of his behaviour, he soon acquired influence enough to procure a great majority of the Scots representatives against the court at the next election. The city of Edinburgh, in particular, was remarkable in their expressions of their zeal for his grace on this occasion." Tindal.

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strength to my armaments, rather than to divert or deter me from those just and vigorous measures which I am pursuing, for maintaining the honour of my crown, and the undoubted rights of my people.

"The court of Spain having already felt some effects of our resentment, began to be sensible, that they should be no longer able, alone, to defend themselves against the efforts of the British nation; and, if any other power, agreeably to some late extraordinary proceedings, should interpose, and attempt to prescribe or limit the operations of the war against my declared enemies, the honour and interest of my crown and kingdoms must call upon us to lose no time in putting ourselves into such a condition, as may enable us to repel any insults, and to frustrate any designs formed against us, in violation of the faith of treaties; and I hope any such unprecedented steps, under what colour or pretence soever they may be taken, will inspire my allies with a true sense of the common danger, and will unite us in the support and defence of the common cause.

"The great and unhappy event of the death of the late emperor, opens a new scene in the affairs in Europe, in which all the principal powers may be immediately or consequentially concerned. It is impossible to determine what turn the policy, interest, or ambition of the several courts may lead them to take in this critical conjuncture. It shall be my care strictly to observe and attend to their motions, and to adhere to the engagements I am under, in order to the maintaining of the balance of power, and the liberties of Europe; and in concert with such powers as are under the same obligations, or equally concerned to preserve the public safety and tranquillity, to act such a part as may best contribute to avert the imminent dangers that may threaten them.

"Gentlemen of the House of Commons,

"I have ordered Estimates to be prepared, and laid before you, for the service of the ensuing year. It is always with regret that I ask any extraordinary aids of my people: but what I have already mentioned must be sufficient to satisfy you, that some augmentations will be necessary, not only for carrying on the present war with vigour, but also to put ourselves in a condition of being prepared for such events as may arise in this new and uncertain state of Europe. I therefore depend on your experienced zeal and affection for me and my government, your concern for your own safety, and the support of the common cause, to grant me such effectual supplies as may be requisite for these great ends.

"My Lords and Gentlemen,

"The Scarcity of Corn,* which has happened in many countries of Europe, has induced several powers to make extraordinary provisions to obviate the ill effects of that misfortune; and though in many parts of this kingdom, the harvest has proved more favourable, yet common prudence calls upon us to provide as far as may be against the approach of such a calamity. Besides, in our present circum-

* "About this same time, great disturbances happened in various parts of England on account of the scarcity of corn, which the common people attributed to the arts of engrossers, and the vast quantities of it exported to foreign countries. Towards the end of June the lords justices had published an order against all engrossers, which was to be very severely executed; and the commissioners and officers of the customs were ordered at the same time to have a very watchful eye over all the exports and exporters of corn. This precaution, however, did not prevent the populace from rising into little less than a rebellion at Wisbich in the isle of Ely, Norwich, Newcastle, Derby, Northampton, Wellingborough, and other parts of England; nor were they quelled without the interposition of the military force, and some bloodshed. In most places, their proceedings shewed that it was not indigence or oppression, but the most abandoned dissolution of manners, that occasioned their rising. At Newcastle, after the magistrates had done all they could to pacify their clamours and supply their wants, they broke into the town-house, where the magistrates and other gentlemen of the town were assembled, wounded many of them, both there and in the streets, ransacked the whole place, destroyed the public writings and accounts, and carried off near 1,800*l.* of the public money. Not satisfied with this, they threatened destruction to the whole town; and it is hard to say what the event must have been, had not three companies of Howard's regiment entered the town in the evening, dispersed the tumult, and seized forty of the ringleaders. At Wisbich the insurrection was equally alarming. The mob there seized above 25 lasts of wheat, and laid the shop-keepers under a kind of contribution. The principal gentlemen, however, in the neighbourhood, behaved with a becoming resolution, and forming themselves into a body, they inlisted above 500 men. They then attacked the rioters at Upwell, the then place of rendezvous, dispersed them, and secured about 60, of whom 14 were condemned to die; but two of them only were executed, the rest being ordered for transportation." Tindal.

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stances, it would be an inexcusable neglect to suffer our enemies to be supplied with any kind of provisions from my dominions, and that even at the hazard of my own subjects being distressed. Let me therefore earnestly recommend it to you to consider of some good law to prevent this growing mischief.

"The difficulties which have been found in manning the fleet by the usual methods hitherto practised, demonstrate the want of some parliamentary remedy: I must therefore press it upon you to lose no time in making such provisions in this respect, as, whilst we are engaged in a war in defence of the commerce and navigation of this kingdom, may enable the public to avail itself of those great numbers of seamen, which make so valuable a branch of our strength.

"The importance of these considerations is so apparent, that I need use no arguments to convince you of the necessity of the utmost unanimity and dispatch in your proceedings."

*Debate in the Lords on the Address of Thanks.**] His majesty being withdrawn and the Speech reported by the Lord Chancellor,

The Duke of *Argyle*† rose up, and said:

My lords; the custom of addressing his majesty upon his Speech from the throne, at the opening of a session of parliament, is, I believe, as ancient as parliaments themselves, and it is so because it is very proper and very reasonable; but the method of forming and drawing up that Address, has of late years been very much altered, and, in my opinion, very much for the worse.* In former times, our method was to be very short and very general: to return thanks for his majesty's most gracious Speech from the throne, and to make some general professions of our affection for his majesty, and of our zeal for his

* This Debate is taken from the London Magazine.

† "In the House of Lords, the duke of Argyle got possession of the House by starting up before the Speech was well ended in the reading to the House after the king was gone; and moved for an Address in his stile of general assurances to support the king against all his enemies, without answering, part by part, the speech, as has been usual. He was seconded by lord Bathurst; lord Holderness made the motion for an Address in the usual way, and was seconded by lord Hyndford. After a pretty long debate, which turned chiefly on point of order, the previous question was put on the Duke's motion, which was carried in the negative by 66 against 38, and then lord Holderness's motion was agreed to. This is the best account I am able to give you of the opening, and I believe it is better than you expected, as it exceeded my hopes." Coxe's Memoirs of sir R. Walpole: Correspondence: John Orlebar to the Rev. H. Etough.

* *From the Secker Manuscript.*

Nov. 18. King's Speech.

D. of *Argyle*. During the first ten years that he sat in parliament, addresses were suitable to the dignity of the House, a short expression of thanks and duty was all. The king's speech is that of the ministers or minister, containing facts for the interest of those who make it. More than a majority are called to hear it beforehand; how this farce came in he knows not; then a motion is proposed containing an echo to the speech, and the House is called to give their evidence to it. You may indeed take the speech into consideration afterwards (i. e.) you may say that what you said before in a manner equally solemn with an oath is false. Secure the House from being called the screen of the administration. He will propose a short motion which is his own, and what may be incorrect, but he is sure is dutiful: "To thank the king for his most gracious speech, to congratulate his return into his regal dominions, to assure him that we will stand by him with our lives and fortunes in this just and necessary war, and as a farther proof of our duty and affection, will exert ourselves in our high capacity of the hereditary council of the crown, to which all other councils are subordinate and accountable, in such manner as may best promote our country's good, his majesty's honour, &c."

Lord *Bathurst*. Not necessary to second motions: but never had greater satisfaction in any questions. Whether the parliament of Paris would address as we have done of late.

Lord *Holderness*, [who was designed to move the Address,] desires to propose a few words by way of amendment. His majesty's venturing a prince of his own royal blood a proof of his zeal in the war.

Motion. See the Address.

Lord *Hyndford*. Seconds it.

Lord *Talbot*. Amendments proposed are no amendments, all that can be said with truth comprehended in first motion. They who doubt the minister's zeal, doubt not the king's. The duke hath all the magnanimity inherent in the family. But sending him no proof that any thing was to be done; perhaps the contrary. Not fit to compliment his majesty on the sending that fleet which perhaps may be called in question in parliament; the first motion will please

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service; and when such an Address as this was agreed to, a day was then appointed for taking his majesty's Speech into consideration: for our ancestors were not, it seems, so ready-witted as those of the present age pretend to be: they did not, it seems, think themselves capable of determining upon the first hearing, whether they could approve of every thing mentioned or referred to in his majesty's Speech; and therefore they took time to consider of it, before they said any thing

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the people, because made by one who speaks their sense.

Lord *Cholmondeley*. Read the two motions, and compare them.

Duke of *Argyle*. Only one at once, you may add to the first; support the king against all his enemies means even if there be any in his cabinet council.

Lord *Chancellor*. The House may be informed if the first motion should be approved, what will be the proposed instead of it. Many did not hear the second motion. It may either be taken into the first as an amendment, or the previous question put upon the first. Then he read both.

Carteret. The first motion hath dignity; the second weakens things by wire drawing, it is not the work of one man. The first is, and shews him a workman. It says nothing offensive to any power, the 2d doth, not offend France in needless words, not afraid to do it in deeds: glad to see they feel the method prescribed by parliament of making America the seat of war. Will not provoke them by speaking of their disadvantages. But they have the advantage of a minister respectable and respected, of purity of character, he doth not yet mean to disturb Europe. The disposition of the late emperor's dominions was made in 1703, by 'pacta conventa' between Leopold and his two sons, and confirmed first by his great council, then by the estates of the upper and lower Austria, by whom all his dominions but Bohemia are concluded. We should not guarantee this. If we had, the emperor would have trusted us in every thing. But as we did not, he had recourse to Spain, and this produced the treaty of Vienna. At last in 1731, we did, binding ourselves to furnish 8,000 foot and 4,000 horse. All the colleges of the empire have agreed to support this pragmatic sanction, Saxony, Bavaria and El. Palatine protested. But Saxony is come in, and France hath guarranteed it, and cannot break her engagement without exposing herself to all Europe.

Newcastle. King hath been particular, therefore we ought. Scarce ever any motion shorter or more general than the 2d. If what is called had been omitted, it would have been called fear: as much as the cardinal is respected, he is blamed for want of spirit, as other ministers are. The method said to be prescribed by parliament was ended, recommended by it.

Chesterfield. The second motion was made by way of amendment and addition to the first, not to leave out any part of it. Refusing to say we will exert, &c. is saying we will not. Comfortable words to the administration, but lamentable ones to an injured nation. Agreeing to the first motion is saying that compliments have run their length, and you can now only advise and draw the veil from between the crown and the people. He approves no single thing that hath been done, any more than the nation doth. Something relating to the German affairs may be added to the first motion.

Cholmondeley. Every person thinks himself intitled to some answer to every part of every letter or paper he writes. The words, to which all other, &c. will comprehend both Houses of Parliament. The present method of addressing took place he believes first after the Bill of Rights.

Argyle. It did not begin so soon. No man in England will understand the parliament or House of Commons to be meant by the words, to which, &c. Our negociations were execrable, and there hath not been one reasonable step taken in the war. This he is ready to defend and debate.

Chancellor. Never rose up with greater concern than at present, to think what construction will be made of this deliberation. The alteration in the method of addressing begun about 35 or 36 years ago, when as honest and able men were ministers as in any time, duke of Marlborough, lord Godolphin, &c. Their reason was to express vigour, to encourage allies and powers inclined to become such, and to shew about what things the parliament hath no hesitation. This method hath not been interrupted since: but if it had, should be restored now; First motion hath too little by omitting an answer to the affairs of Germany, and to the supposition, if any power, &c. Will you appear intimidated? It hath also too much by the words, to which, &c. Formerly our kings, the great council of their hereditary peers when they have not called a parliament. But the parliament only is that council, to which, &c. and though the good intention of the motion be allowed, yet we should be exact in words, and not use such as may be resented by the Commons.

Carteret. There is no room for a supposition of any disturbance following the emperor's death, and nothing can be so provoking to France as to suspect they will break their engagements. Our own slowness hath brought us into the condition we are in, and France did not believe we would attempt America. But to thank the king for not changing his measures upon what France hath done is an imputation upon him. All Europe shall see that as to the great point we speak and act the same thing. In queen Anne's time, the parliament exerted itself in inquiries into the admiralty, the ministry

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that might look like an approbation. But now we have fallen into a way of echoing back, in our Address, his majesty's Speech from the throne, paragraph by paragraph, and expressing at least a seeming sort of approbation of every measure referred to in that Speech.

This, my lords, is a very considerable innovation of our ancient method of proceeding, and an innovation of so modern a date, that there are several persons in the administration who must remember when it was first introduced. It is a method which I think unreasonable in itself, and inconsistent with the honour and dignity of this House. The king's Speech is always, in this House, considered as the speech of the ministers, and as it has generally been, we may expect it will always be, a short narrative of the measures they have pursued, and a sort of panegyric upon every thing they have done; therefore we ought to be extremely cautious of saying any thing that may imply a tacit approbation of any thing they have done, or advised to be done. We sit here, my lords, as a check upon ministers: it is our duty, as his majesty's hereditary and supreme council, to inform him, whether he has been ill or well advised or served by his ministers; and shall we, in our Address, say any thing that may give our sovereign cause to think, he has been well served, or rightly advised, by his ministers, when, for ought we know, he has been betrayed by them, or led into such measures as may undo both him and his family?

I know, my lords, it is a maxim, that we are not bound by any thing we can say upon this occasion: and that notwithstanding any implied approbation of past measures, contained in our Address by way of answer to his majesty's Speech, we may afterwards strictly enquire into those measures, and freely condemn them, if upon such enquiry they appear to be wrong. This maxim is, indeed, absolutely necessary, as long as we continue in that method of addressing which we have lately fallen into; but I must refer it to your lordships, whether it be consistent either with the king's safety, or our own honour. In public affairs, my lords, a day, an hour is often of the last consequence. A bad measure, if pursued, may be of such a nature as to bring irrecoverable ruin: if retracted or altered in time, the impending ruin may be prevented. In this case, a day, an hour may be critical, and may determine the ruin or the recovery of the king's affairs. If the king should have been led into dangerous measures, shall we encourage him in the pursuit of those measures, by a seeming approbation in our Address at the opening of the session? Without this approbation he might, perhaps, have reflected upon what he was about, and might thereby, of himself, have discovered his error. But by this our seeming approbation, he is encouraged to go on without reflection, without consideration, and before we have time to enquire and condemn, the critical day or hour may be past, and the ruin of the king's affairs become irrecoverable.

This, my lords, must shew how inconsistent it is with the king's safety, for us to give so much as a seeming approbation of any public measure, in our Address at the opening of a session; and notwithstanding the maxim of our not being bound by it, I must think it absolutely inconsistent with our own honour. It is a sort of evidence, my lords, in favour of every thing the minister has done. It has been, and always will be looked on, both abroad and at home, as the evidence of this House, that the measures pursued by our ministers are all wise and right; and shall we give our evidence in favour of what we know nothing about, any farther than the minister has been pleased to tell

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came into them and made alterations in it, though prince George was at the head of it. This House hath three capacities, of legislature, judicature, and council. If the first motion be refused we must protest.

Hervey. The previous question will not be a negative on any thing in the first motion, but only a preference of the second to it.

Bathurst. What will the world say when a motion is made by a person respected throughout Europe, to have it rejected merely because it is his?

Gower. The duke's motion says we will enquire; the other at most only doth not say that we will not.

Then the previous question was put,

N. C. 66, of which I was one.
C. 38.

The only bishop with the Minority was the bishop of Lincoln. Duke of Leeds, and lord Romney were with them, lord Clarendon with the majority. Then the 2d motion being proposed, lord Abingdon moved to insert into it from the first motion "that we will exert, &c." leaving out the words "to which, &c." On which there was no debate, but a division.

N. C. 62, of which I was one.
C. 35.

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us in his majesty's Speech from the throne? To say that we shall first give such an evidence, and then enquire if it be right, is directly what is ascribed to the fawning parasite, who first gives his testimony to the truth of a fact, and then enquires what it is. Is this consistent with your lordships' honour? In private affairs your word is your oath: it is allowed to be of equal weight with the oath of a private man: I believe, every one of your lordships considers it as such, and would be as shy of giving your word, as your oath, in testimony of a falshood. My lords, in private conversation, it may perhaps, be looked on as a stiff sort of formality, never to say any thing, or to make any use of any expressions, but such as are strictly agreeable to the sentiments of the mind. A little complaisance, or even dissimulation, is allowable, because it is necessary for conversation, and for keeping up a correspondence among men; but in all judicial proceedings, and much more in parliamentary proceedings, especially such as remain upon record as the authentic acts of the assembly, complaisance is no way necessary, and dissimulation is always a crime. I am therefore surprized, how this modern sort of complaisance in our addresses at the opening of a session came first to be introduced, or how it has continued so long; but, thank God! it has yet acquired no prescriptive authority: it is not yet beyond the memory of any man living, and I hope it will be altered, and for ever abolished, before it comes to be so. I hope we shall return to our ancient method, and there was never a greater necessity for it than upon the present occasion.

My lords, when no measures have been pursued but such as seemingly at least appear to have been right, a little complaisance in our Address may admit of some sort of excuse; but when the measures pursued, and referred to in his majesty's Speech, are such as seemingly appear to be wrong, or such as have been generally condemned, the least sort of complaisance with regard to such measures would be criminal in the highest degree. This, my lords, is the case at present. The methods taken for prosecuting the war we are now so justly engaged in, or rather the surprizing neglects we have been guilty of, have been condemned by all but our enemies; and, indeed, in all appearance, they are such, I think, as it is impossible to justify. If upon this occasion we return such an Address as has been usual of late years: if we echo back his majesty's Speech paragraph by paragraph, we must either justify or condemn all the measures that have been pursued, and all the neglects our ministers have been guilty of. In his majesty's Speech they tell us, they have prosecuted the war in the most proper places, and in the most vigorous and effectual manner. Can we say so in our Address, my lords? Will any man in the nation, besides the creatures of our minister, say so? Have we prosecuted the war in the most proper places? Have we prosecuted it in any place? My lords, we have prosecuted it no where, unless a little privateering can be called prosecuting a war; and even in that way we have neglected our own trade so much, that I am convinced, the enemy have had greatly the advantage of us. As for what admiral Vernon has done in the West-Indies, I am persuaded it was not owing to the orders or instructions he had from our ministers, but because they durst not give him any orders or instructions for preventing it; and because they knew, that he had a sincere regard for the honour and interest of his country, and of consequence would, to the utmost of his power, prosecute the war, in the most proper place, and in the most vigorous and effectual manner, therefore they sent him thither with a force from which nothing could be expected, and with which no man but himself, I believe, would have attempted any thing of consequence.

For the same reason, my lords, they found pretences, of some kind or other, to delay sending him any proper supplies, for above a year and a half after they might and ought to have been sent. Nay, I doubt much if they would yet have been sent, if it had not been for the express orders given, as I must suppose, by his majesty, after his return from his German dominions; for by their having been so long, and so unaccountably delayed before, and sailing so soon after his majesty's return, I must suppose, that their sailing at last proceeded solely from him, and not from the directions of any of his ministers, perhaps contrary to the advice of some of them. The westerly winds, I know, afforded some sort of excuse; but if the necessary preparations had been made with any sort of foresight or dispatch, the fleet might have been ready, and might have sailed, before the westerly winds set in; and even after those winds had set in,

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there were several opportunities for our fleet's getting out of the channel, if they had been provided with every thing necessary, and had received express orders to sail with the first opportunity.

With regard, my lords, to the sending of supplies to admiral Vernon, there seems to have been something more than neglect: there really seems to have been a formed design, to prevent his being able to prosecute the war in the West Indies, till the Spaniards had provided for their defence; and the little interruption they have met within sending squadrons and land forces to America, confirms me in this belief. But this is not the only wrong measure, or unaccountable neglect, we have been guilty of. I may perhaps have no great share of natural understanding, but I have some experience in military affairs. It has been my trade ever since I was a child; and from the experience I have had, and the knowledge I have, by conversing with others, acquired, I think, I could demonstrate, that no one right step has been taken, either in the commencement or prosecution of the war. But as I shall always be as far from desiring your lordships to condemn, as I shall be from desiring you to approve, without being fully and thoroughly informed, therefore, the only aim I have in giving you my thoughts upon the present occasion, is to induce you to return to the ancient method of addressing, in answer to his majesty's Speech from the throne.

I know, my lords, the modern practice has for some years been very different. His majesty's intended speech has been communicated by his ministers to a few lords, before he spoke it in this House, and at the same time they communicated such a motion, as they thought would be proper to be made, for an Address of this House by way of answer to that Speech. The first has generally contained an encomium upon their own measures, and the other has regularly been a repetition and improvement of that encomium. This, we may believe, has always been approved of by the lords they shewed it to, and then some one of them has been appointed to make that motion, and another to second it. Hitherto, my lords, I am no way surprised; I am not at all surprised, that the ministers' measures, or the motion they propose, should be approved of by the few lords they pick out for their confidents; but what I am surprised at is, that this House has fallen into a method of expecting and waiting for this motion, as if no lord in this House had a right to make such a motion, but the lord appointed for that purpose by the king's ministers; and I am still more surprised, that the motion thus made by the appointment of the king's ministers, should for so many years have been approved of by the majority of this House. Such a method of introducing an Address, I think inconsistent with the freedom and independancy of this assembly, and I think our mentioning or saying any thing of measures we know nothing of, in a parliamentary way, inconsistent with our dignity and honour.

I am therefore, my lords, for our resuming the ancient method of addressing, and I think it more necessary upon this occasion, than any former, because our public transactions since last session have been such as have not been approved of, I believe, by many lords in this House, and I am sure they have been complained of by the majority of the nation. No lord will oppose, no man can find fault with our returning his majesty thanks for his most gracious Speech from the throne, or with any general professions we can make use of, for testifying our duty and affection to him, and our zeal for his service, which is the farthest we ought to go upon the present occasion; and for this purpose, I have thought of a motion for an Address, which I hope your lordships will approve of. As what I am to propose is not the work of many hands, and as I do not pretend to understand any thing of the sublime, my sentiments may, perhaps, be but poorly expressed; but this I can say, my motion is my own, and made without any man's direction. It is this, my lords; that your lordships do resolve, "That an humble Address be presented to his majesty, returning him the thanks of this House for his most gracious Speech from the throne. To congratulate his majesty on his safe return to his regal dominions. To assure his majesty, that we will stand by him with our lives and fortunes, in the prosecution of the just and necessary war in which he is engaged. And as a further proof of our duty and affection to his majesty's sacred person, royal family and government, to assure him, that we will exert ourselves in our high capacity of hereditary great council of the crown (to which all other councils are subordinate and accountable) in such a manner as may best tend to the promoting the true interest

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of his majesty, and our country, in this critical juncture."

Lord *Bathurst:*

My lords; it was with great satisfaction I heard the motion now made to you; I confess I did not expect to hear any motion made by the noble duke upon this occasion, and his standing up gave me an anticipated sort of pleasure; because I suppose he was to conclude with a motion, and that motion, I foresaw, would be more agreeable to the honour and dignity of this House, than any I had heard for some years upon the like occasion. He has exceeded my expectations: the motion he has offered, is drawn up in as strong terms as can possibly be expressed. There is nothing in it we can object to; and I hope it will be thought as full, as even his majesty's ministers can justly expect from us upon this occasion.

My lords, I have often found fault with that complaisant, I shall not say fawning method, we have of late years fallen into, of echoing back his majesty's speech from the throne, and making our address a sort of panegyric upon the conduct of our ministers. It is a most dangerous departure from the method observed by our ancestors: It is an innovation of so late a date, that even I remember when it was first introduced; and though it has since been generally observed, yet your lordships know, that it has almost always been objected to by many lords in this House, though they had not the good fortune to prevail in their opposition. The noble duke has taken the right method, I think, for prevailing with us to resume the ancient usage of parliament. He has proposed an address that cannot, I am sure, be disagreed to, and nothing can, I think, be added without weakening what he has proposed. If there be any amongst us, that incline to have compliments made to our ministers upon this occasion, I do not see how they can now be introduced; for I shall think it very extraordinary, to see a negative put upon a motion so full of strong expressions of duty to his majesty and our country, in order to make room for an address stuffed with fulsome compliments to our ministers.

I know, my lords, it is not necessary to second any motion in this House, and therefore I now rose up only to testify the satisfaction I received from hearing this motion made, and to declare my approbation of what the noble duke has proposed. I hope it will meet with no opposition: If it does, I may, perhaps, rise up again to give you my sentiments upon the subject; and if I should, I hope the House will indulge me the favour of a hearing.

Lord *Holderness;*

My lords; the present state of the affairs of Europe in general, as well as of this nation in particular, is so critical, and his majesty, in his Speech from the throne, has so fully laid that state before us, that every man must be sensible of what the British nation ought to do, and what a British parliament ought to say to their sovereign, upon this important occasion; therefore, unexperienced as I am, I shall venture to propose what I think ought to be the heads of your Address, by way of Answer to his majesty's speech from the throne.

His majesty has told us, that measures have been taken, that squadrons have been got ready, and land-forces raised and embarked, both here and in America, for pushing the war against Spain, in the most proper places, and in the most vigorous and effectual manner; and that these things have been done, with as much expedition as the nature of the services, and the manning of the ships, would admit. These, my lords, are facts we have no occasion to enquire into: They are publicly known; and every one will allow, they were wise and right. We cannot therefore omit making our acknowledgments to his majesty upon this subject: We could not in gratitude have omitted it, even though he had been pleased not to mention any thing of it in his Speech.

What resolutions our neighbours have taken, or may take, with regard to the war between Spain and us, are not yet openly declared, at least they are not publicly known; but his majesty having hinted to us, in his Speech, as if some of our neighbours intended to attempt to prescribe rules to us, I think we ought to thank his majesty for not allowing himself to be diverted or deterred from the just and vigorous measures he is pursuing, for maintaining the honour of his crown, and the undoubted rights of his people. And at the same time we ought to assure his majesty, that we will concur with him in all proper measures for resenting such an insult, and for frustrating the designs that may be formed against us by any power whatsoever.

This, I say, my lords, we ought by no

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means to neglect, and we ought to take this, which is the first opportunity of doing it; because when our neighbours see, that neither the king nor the nation is to be terrified by any threats they can make use of, nor by any designs they can form, it will make them reflect upon the danger they expose themselves to, and this may prevent their attempting to carry such designs into execution.

Another thing his majesty has mentioned in his Speech, I must take notice of, because I think our inserting a proper paragraph in our Address, by way of answer to what his majesty has said upon that head, will be of the utmost consequence to the affairs of Europe, and may prevent a most general and a most dangerous war. Your lordships must perceive, that I mean the important scene opened in Europe by the death of the late Emperor. His majesty has told us, and every one must see, that it is impossible to determine what turn the policy, interests, or ambition of the several courts of Europe may lead them to take in this critical conjuncture. Ambition, my lords, is always for fishing in troubled waters, and the affairs of Europe were never in a more troubled state, than what they have been thrown into by this unhappy event. But when the powers of Europe see that the British nation, as well as the British king, are resolved to maintain the balance of power and the liberties of Europe, it may prevent not only the most ambitious, but the most powerful from forming schemes for destroying what Britain appears resolved to preserve. His majesty has done his part by declaring his resolutions in his Speech from the throne. Do not let us be deficient in ours. Our acknowledging the wisdom of his majesty's resolutions in this respect, and taking this first opportunity to concur with him in these resolutions, will very much encourage our allies, and contribute to the success of those negociations his majesty may now be carrying on for establishing the balance of power, and preserving the tranquillity of Europe.

I shall add no more, my lords, but conclude with moving you to resolve; "That an humble Address be presented to his majesty, to return him the thanks of this House for his most gracious Speech from the throne. To acknowledge his majesty's great wisdom, and his adherence to the true interest of his kingdoms, in resolving to carry on this just and necessary war in the most proper places, and in the most vigorous and effectual manner; and in not suffering himself to be diverted or deterred from those measures. To give his majesty the strongest assurances, that if any power should attempt to prescribe or limit the operations of war against his declared enemies, such an extraordinary proceeding would not fail to create a just indignation in us, and determine us to concur in all proper measures for vindicating and defending his dignity and honour against any insults, and frustrating any designs formed against us. To assure his majesty, that this House will zealously stand by and support him in adhering to the engagements he is under for maintaining the balance and liberties of Europe, on the event of the late emperor's death, as well as in the prosecution of the present war. To express our unshaken and unalterable fidelity and affection to his majesty's person and government, and our ardent wishes, that all his enterprizes for maintaining the honour of his crown, and the rights of his people, may be blessed with success."—These, my lords, are, in my opinion, the heads upon which our Address ought to be formed; but as I am little acquainted with the methods of proceeding in this House, I shall leave it to your lordships to consider, whether this proposition which I have ventured to make to you, ought to stand as a motion by itself, or whether it ought to be offered by way of amendment to what the noble duke has been pleased to propose.

Lord *Hyndford:*

My lords; if we consider the present circumstances of this nation, or the present situation of the affairs of Europe, I believe every one of your lordships will allow, that there never was a time, when there was a greater necessity for testifying, in the most public and authentic manner, a perfect unanimity amongst ourselves, and a firm confidence in his majesty's wisdom and conduct. We are now engaged in a war against one of the most powerful, and one of the most absolute monarchies in Europe. We have formerly been engaged in war solely for satisfying the ambition of our sovereign, or the private piques and resentments of some of his favourites; but, during his present majesty's reign, we can be in no danger of being engaged in war on any such account. In every part of his conduct he has shewn, that he is swayed by nothing but the honour of his crown, and the happiness of

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his subjects; and the present war he did not engage in, till the obstinacy, injustice and violence of the Spaniards made it evident to every man in the kingdom, that we could expect no satisfaction for past injuries, nor security against future, by any thing but by force of arms. The war has been hitherto conducted with the utmost vigour, in the most proper place, and with as much success as could reasonably be expected; but every one knows, that from the very beginning of the war we were, and still are in danger of having another enemy to engage with, more powerful, and more capable to hurt us. This danger will encrease in proportion to our success, and nothing can contribute more to our eschewing this danger, than that of shewing a perfect harmony and unanimity amongst ourselves.

With regard to the present circumstances of this nation therefore, we ought upon this occasion, if ever, to express our duty and affection to his majesty, our approbation of his measures, and our confidence in his wisdom and conduct, in the most full and explicit terms. And with regard to the present situation of the affairs of Europe, your lordships must all be sensible, how ticklish it has been rendered, by the late unfortunate death of the emperor: by this untimely accident, those who are professed enemies to the repose and liberties of Europe, have got such an opportunity for carrying their ambitious and dangerous designs into execution, as they themselves could scarcely have hoped for. By this accident, the princes of Germany are left without a head, (and God knows how long they may continue so) the Germanic body is thereby rendered lifeless and inactive, and the house of Austria is on every side environed with enemies, ready to tear from it the whole or a great part of its dominions. In this situation nothing can preserve the liberties of Europe; nothing can preserve the liberties, the trade, or the navigation of this kingdom, but a speedy alliance and confederacy amongst those princes and states that are friends to liberty, for defeating the designs of those that are its declared enemies; and the forming of this alliance or confederacy will be greatly promoted or retarded by our behaviour in this session of parliament.

All the princes and states of Europe are sensible of the weight and the power of this nation, when we act with concord and unanimity. If there appears to be a perfect unanimity amongst ourselves, and a good harmony between the king and his parliament, the several powers whose interest it is to preserve the liberties of Europe will put a confidence in this nation, as they have done heretofore, and will readily join with us in a confederacy for our mutual preservation; but if in this session of parliament we should by any means shew a coldness in our duty and affection to our sovereign, or a diffidence in his conduct, the other powers of Europe can expect no assistance from his majesty; which will make them despair of being able to withstand the torrent; and the consequence of this will be, that every one of them will endeavour to make the best terms they can for themselves, and refuse to join in any public concert for opposing the ambitious designs of those who are, I may say, by nature as well as situation, the professed enemies of Great Britain.

Let us consider, my lords, what a dreadful and dangerous state this nation will be reduced to, if the northern powers should be engaged in a war against one another, and the flames of a civil war kindled up amongst the princes of Germany. The several branches of the house of Bourbon will then be left at full liberty to turn their whole united force against this nation, and against this united force we must stand single and alone; for the Dutch, as they lie open to the continent, and could expect no assistance from Germany, would not dare to assist us. We are already engaged in a war against one of the branches of the house of Bourbon: another, and the most powerful of them, has already shewn an inclination to prescribe or limit the operations of our arms. In my opinion, they would have all united in the war against us, long before this time, if it had not been for the danger they may be exposed to by our forming a powerful alliance upon the continent; and against such an united force, it is hardly possible for us, in all human probability, to stand single and alone. It is therefore necessary for our safety, as well as for our success in the war we are now engaged in, to prevent, if possible, a war in the north, or a civil war in Germany. This his majesty has resolved on, and this he may effectuate, if a due weight be given to his negociations, by letting the world see, that his majesty will be supported by the united power of the parliament and people of Great Britain.

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For this purpose, my lords, we ought, in our Address upon this occasion, to express ourselves in as full and explicit a manner, as ever a British parliament did to their sovereign. An Address in general terms may, at other times, be right. The custom of echoing back (as some affect to call it) his majesty's Speech from the throne, may, for what I know, be wrong; but it is a custom that has prevailed for many years, and I am sure it would be very wrong in us, at this critical conjuncture, to alter that custom, or to shew less respect for our sovereign, than has for many years been shewn upon the like occasion; for which reason, I cannot but approve and second the motion made by the noble lord near me.

As this last motion was the second motion for the same purpose, and as by the forms of proceeding, it was necessary to put a question upon the first motion, before the second could be come at,

The *Lord Chancellor* stood up, and after explaining the two motions a little, both which he caused to be read, that they might be the better understood, he said, he supposed the noble lord meant to propose his motion as an amendment to the noble duke's motion. If this had been allowed of, the first question would of course have been, To agree to the amendment proposed.

Lord *Talbot* shewed, that the noble lord neither meant nor could mean to propose it by way of amendment, because the first paragraph in both motions was word for word the same: that if the noble lord had meant what he proposed as an amendment to the noble duke's motion, he would have proposed, that the first paragraph only of the latter should be left standing, that the two other paragraphs should be left out, and in their stead, by way of amendment, he would have moved to insert the whole of what he has proposed, except the first paragraph: but this he had not done. According to his manner of stating his proposition, it was plainly a distinct and a second motion, and therefore their lordships were, by the forms of proceeding, to put the question upon the first motion.

The *Lord Chancellor* said, that he rose up only to speak to their methods and order of proceeding: that he granted the motions seemed to be two distinct motions, and therefore if their lordships did not approve of the first, and had a mind to come at the second, the proper way would be to put the previous question with regard to the first: however he would make no motion; he spoke to order only, and would afterwards take an opportunity to speak to the merits.

Lord *Carteret:*

My lords: in this debate, as well as in a great many others, I find some lords are mighty apt to run into a mistake, which is of the most mischievous consequence in all parliamentary enquiries. They cannot, or will not distinguish between his majesty and his ministers; but call all public measures his majesty's measures, and from thence suppose, that those who find fault with any public measure, are blaming his majesty's conduct, and trespassing against that duty and affection they owe to their sovereign. This, my lords, is a most unparliamentary method of proceeding; for it is well known, that his majesty's name ought never to be brought into any of our debates. When we take his majesty's speech into consideration, though we have heard it from his own mouth, yet we do not consider it as his majesty's speech, but as the speech of his ministers. Though we were in our private capacity convinced, that his majesty had spoke off-hand, and without premeditation, or advising with any one of his ministers, yet when we come to consider that speech as members of this House, we are to consider it as the speech of his ministers; for while they continue ministers, they are answerable to parliament for every thing the parliament does or says, and if they think this a hardship, they may easily avoid it, or get rid of it, by refusing to accept of, or by throwing up their employments.

With regard to all public measures it is the same. When we come to consider them in this House, we are to look on them as the measures, not of the king, but of his ministers, even though we were in our private capacity convinced, that the king had of his own head pursued those measures, without consulting with any of his ministers, and perhaps contrary to their advice: this, I shall allow, is likewise a hardship upon ministers, but it is a great advantage to the nation; and it must be allowed, that the hardship is not so great in making the ministers and officers of the crown answer for what the king does, as in making them answer for what he says; for the king may speak without the assist-

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ance of any minister or officer, but he cannot act, he can prosecute no public measure without the assistance of some of his ministers or officers. Therefore, when we hear any lord advising us to approve of all his majesty's measures, to place an entire confidence in his majesty's wisdom and conduct, we ought to turn it into the proper parliamentary language, and then it will stand thus: I advise you to approve of all the measures pursued by his majesty's ministers, and to place an entire confidence in their wisdom and conduct; which is an advice that I hope your lordships will always disdain to take. I am sure it would be no sign either of your duty and affection to your sovereign, or of your regard to your country, to follow any such advice.

My lords, I have as much affection for my sovereign, and am as sensible of the duty I owe him, as any lord in this House can pretend to: I have a great confidence in his wisdom and conduct, when he is not misled by his ministers; but, as a member of this House, I have no affection for his ministers; I owe them no duty; and from what is past, I have no reason to put any confidence in their wisdom or conduct. Our enemies may, perhaps, place a confidence in their misconduct, but I am sure our friends, neither abroad nor at home, can place any confidence in their good conduct. Therefore, the best way to restore a confidence among our friends abroad, and our people at home, would be, to let them see that this House is resolved to re-assume and exercise its ancient right of being his majesty's great and chief council; and that our future measures will be advised, not by those who have led Europe, as well as their own country, into distress, but by a free and independent British parliament. This, I say, would be the proper way to restore a confidence in our future conduct among our friends, both abroad and at home; and nothing can contribute more to this desirable, this necessary end, than our agreeing to the address proposed by the noble duke.

If your lordships compare the two motions now before the House, you cannot but see the difference between the work of a minister, laying snares for an approbation of his conduct, and the work of a free and independent member of this House, expressing his duty to his sovereign with dignity and a true affection. The noble duke's motion appears to be the work of a good workman. Whether your lordships agree to it or no, it will remain upon record, and will for ever be an honour to him that proposed it. It is strong: it is laconic: it expresses in a few words all the duty and affection to our sovereign, that is meant by the other: it expresses more; it expresses that which is our real duty, and the best sign of our affection to our sovereign: I mean, that we will exert ourselves in our high capacity of hereditary great council of the crown, to which all other councils, even his majesty's cabinet council, are subordinate and accountable. Can your lordships find fault with any one word in this motion? Will you weaken it by wire-drawing it, or by adding any undeserved compliments to the minister?

If no fault could be found with any of our late measures, if all of them deserved the highest approbation, the noble duke's motion would be a proper motion, and all we should say upon this occasion. But when our measures are the subject of a general complaint at home, and an universal ridicule abroad, will your lordships reject such a motion, in order to come at a motion that implies an approbation of all our late measures? I say reject, my lords, for the previous question is but a parliamentary method of rejecting. When such a motion as this is thrown out by the previous question, and another upon the same subject agreed to; it is as effectually rejected, as if it had been rejected in express terms, because it can never afterwards be agreed to, which shews a very material difference between putting the previous question upon a motion of this nature, and putting it upon a motion that may the very next day be revived and agreed to. Therefore, if you throw out the noble duke's motion, by means of the previous question, the whole world will think we have rejected it, in order to pass compliments upon our minister's conduct. Will this, my lords, add to the character of this assembly? Will it not occasion the most severe reflections among all those that complain of our late measures at home, and also among all those that make our measures the subject of daily ridicule abroad?

By rejecting this motion, therefore, we expose ourselves to the danger of universal contempt both abroad and at home: by agreeing to it, we cannot expose either ourselves or the nation to the least danger. Can our agreeing unanimously to such an address as this, be a sign of any discord amongst ourselves, or of any jealousy be-

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tween the king and his parliament? Or can it derogate from that confidence, which we ought to cherish in our allies? My lords, if any discord should arise amongst ourselves, they only are to blame who endeavour to reject this motion, in order to make way for some compliments to our minister: if any jealousy should arise between the king and his parliament, they only are to blame, who endeavour to screen our minister under the sacred name of majesty; and if any disaffection should arise among the people, they only are to blame, who endeavour to get the parliament to approve of what the people in general condemn. By agreeing to this motion we shall restore that confidence, which we ought to cherish amongst our allies: by rejecting it, and approving of our late measures, we shall reduce them to despair. They despise our ministers; they despise their conduct; their only hopes are in a free and independent British parliament. If they find that the parliament continues to approve of the minister's measures by the lump, and without any enquiry, they will lose the only hope they have left. They will no longer expect any change of measures or ministers from the parliament; and they can expect no wisdom or conduct from a minister who has, for almost 20 years, been demonstrating to the world, that he has neither wisdom nor conduct. He may have a little low cunning, such as those have that buy cattle in Smithfield market, or such as a French valet makes use of for managing an indulgent master; but the whole tenour of his conduct has shewn, that he has no true wisdom. This our allies know and bemoan; this our enemies know and rejoice in; and this the present dangerous state of affairs, both abroad and at home, is a melancholy proof of.

I should avoid, my lords, the ungrateful task of shewing the blunders and errors in our late conduct, if the ministers themselves had not made it necessary for me to undertake it. If they had asked no approbation, I should, for this day at least, have found no fault; but as they insist upon having a parliamentary approbation, and for that purpose to have one of the best motions I ever heard made in this House, rejected, I think I am bound in duty, both to your lordships and my country, to expose the weakness of their conduct, and to shew that the present state of affairs, both at home and abroad, which they themselves allow to be dangerous, proceeds entirely from their own blunders. With regard to the present circumstances of this nation, we have been insulted and plundered by the Spaniards, for almost 20 years. Did this proceed from the power of Spain, or the weakness of this nation? Every one knows it did not. We had it always in our power to make that nation feel the weight of our resentment; and we let slip several opportunities, when we might have done it in a most exemplary manner, when there was no danger of their being assisted by any power in Europe, and when we were sure of assistance from our allies, if they had. From whence then did our dishonourable and destructive patience proceed? From the weakness of our minister, and from that alone: he did not foresee, or for some selfish end pretended he did not foresee, that if we let one insult pass unpunished, we were sure of meeting with a second. He trusted to negociations and treaties, though he knew that such insults ought to put an end to all negociation, and that such depredations were in direct violation of the most solemn treaties. In this case, was it not evident, that we could trust to no future treaty, that we could expect no security in time to come, but by a proper resentment of what was past? Yet he deferred resenting for almost 20 years: he continued to suffer notwithstanding the repeated complaints of our merchants, and the repeated addresses of parliament; and the Spaniards continued to insult and plunder. By this conduct the nation was rendered so contemptible, that the Spaniards thought they might use us as they pleased: this made them redouble their depredations, and confirmed them in their obstinacy; so that when our minister found himself obliged, for his own safety, to insist peremptorily upon satisfaction and security, the Spaniards, imagining from his former pusillanimous conduct, that he would not dare to begin hostilities against them, as peremptorily refused his demand.

Thus your lordships may see, that the war we are now engaged in, is entirely owing to the blunder of our minister; for if the first insult put upon us by the Spaniards, after the treaty in 1721, had been properly resented, and full satisfaction and reparation peremptorily insisted on, the Spaniards would not have ventured upon a second, nor should we have had occasion for any new treaty, because the old were sufficient, if they had been observed. But this, my lords, was not all; whilst our

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minister, by his blundering timidity, to call it no worse, was encouraging the Spaniards to continue their depredations, and to persist obstinately in their refusal of justice, by another train of blunders he was detaching from us every ally we had in the world, cementing a close union between France and Spain, and establishing a lasting cause of quarrel between Spain and the emperor. By the time he had effected these wise purposes, the insolence of Spain towards us grew insufferable: the people of this nation could bear it no longer; they would not allow him to bear it. Thus he found himself obliged to begin, or at least not to oppose our beginning hostilities against Spain, at the most unseasonable time he could have chosen during the whole course of his administration; for that the time was unseasonable, I shall readily admit; but we were under an absolute and dire necessity, and the necessity we were under, as well as the unseasonableness of the time, were both owing to our minister's misconduct. These measures he was, or pretended to be led into by the ridiculous conceit of preserving the tranquillity of Europe, and the peace of this nation, at a time when every year, every month was furnishing us with a just cause of war against Spain, and consequently with a good reason for disturbing the tranquillity of Europe, if we could, in order to have an opportunity for taking our revenge of the Spaniards, without danger of their being assisted by any other power in Europe.

This, my lords, was the conduct of our minister in time of peace; and since the war began, I am sure it has been no way mended. After what the noble duke, who must be allowed to be a good judge, had said upon the subject, I was really surprized to hear it proposed, that this House should acknowledge the minister's great wisdom, in resolving to carry on this just and necessary war in the most proper places, and in the most vigorous and effectual manner. I wish the noble lord had told us when the minister took this wise resolution, or how it appears that any such resolution has been yet taken. I am sure, it does not appear from any thing yet done in any part of the world. This resolution ought certainly to have been taken as soon as we resolved to begin hostilities, and we ought to have begun hostilities by carrying this resolution into execution: If we had done so, Spain would have been obliged to submit before this time: We might have put an end to the war by the first blow, if we had aimed it aright, and given it in the most vigorous and effectual manner.

But instead of this, my lords, we have done next to nothing. It is now a year and a half very near since we ought to have begun hostilities; it is fifteen months since we issued orders for reprizals; it is thirteen months since we declared war: The war has already cost us three or four millions, exclusive of the loss our merchants have suffered from captures; and as yet we have done nothing besides taking a few ships and destroying a few castles. I am far from endeavouring to depreciate the service done by admiral Vernon at Porto Bello and Chagre; it was a most signal and surprizing service, considering how he was provided; but it is but a trifle considering what we might have done, and what he would have done, had he been properly provided; and I will venture to say, it was neither intended nor expected by our minister. Can we then acknowledge his great wisdom in resolving to carry on the war in the most proper places, or in the most vigorous and effectual manner? I say, my lords, the minister's great wisdom; for this is what must be intended to be meant by every paragraph in our Address, that relates to any past measure. In such cases, it is not his majesty's but his minister's great wisdom we are to acknowledge; and thus his tools without doors will be instructed to explain it to the people.

If your lordships mean no such thing, I hope you will be cautious of giving them any such handle; for instead of giving any man a pretence to say upon your authority, that the war has been pushed in the most proper places, or in the most vigorous manner, I think you ought, as soon as possible, to enter into an enquiry, why it has yet been pushed in a vigorous and effectual manner in no place whatsoever. If we were in danger at the beginning of the war of having another enemy, besides Spain, to engage with, it should have been a reason for our pushing the war at the beginning with all imaginable vigour, and with all possible dispatch, in order to force the Spaniards to a submission, or to reap some signal and lasting advantages for ourselves, before that other power could be prepared for assisting them. But why should this power be mentioned in our Address? They have not yet declared against us, and I am not for pro-

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voking such a formidable power by words; for words sometimes irritate more than deeds. If they should declare against us, or if they should attempt to prescribe or limit the operations of his majesty's arms, we must stand upon our own legs. I hope we shall shew them that we are able to defend ourselves, and make them repent joining with our enemies. They labour under several disadvantages I could name, but as I am for deeds, when they become proper, and not for words, which can never be proper, I shall mention none of those disadvantages, because it might give provocation, and can be of no service. However, I may mention one advantage they have over us; They have a minister that is not only respectable, as they call it, but respected, both by the people and the king. This is a great advantage, for it is of infinite loss to a nation to be under the conduct of a minister hated and despised by the people: It destroys or renders useless one half of their power; because their enemies can do more with half than they can do with double the force. Therefore if we should at last be involved in a war against France as well as Spain, I hope this House will use their endeavours, to have our affairs put under the conduct of those that have some credit and esteem among the people. If this House should now begin to use endeavours for this purpose, it might perhaps prevent the nation's being engaged in such a heavy and dangerous war: for nothing can more encourage France to join against us, than the little vigour we have yet shewn in the prosecution of the war.

I know, my lords, it has been said, in excuse for our not having pushed the war with more vigour and dispatch, that we could not spare any of the troops we had on foot at the beginning of the war; and that a body of land-forces were sent to the West-Indies as soon as troops could be raised, and a squadron and transport ships provided for convoying and transporting them thither. Suppose this were true, it is very bad policy, in the present situation of the affairs of Europe, to make use of the argument. Does not every one know, that this nation cannot be invaded by a great force, as long as we have a superior fleet at sea? A numerous land-army cannot therefore be necessary, unless the greatest part of our own people be disaffected; and will any one say, that we must have at least 30,000 men in Britain and Ireland, to support the government against the disaffected? Will this induce foreign states to put a confidence in the power of this nation? Will this give weight to his majesty's negociations, or enable him to form a confederacy for supporting the balance of power in Europe?

My lords, the Revolution is a proof, that when the people are generally disaffected, an army is not to be depended on. If a small foreign force should by any means come safe ashore in favour of the disaffected, both the people and the army would join them, by which means those that had entered into an alliance with his majesty, might meet with the same misfortune France met with, by joining in an alliance with the late king James: they might thereby have the united power of Britain thrown into the scale against them. It is therefore a most unwise, a most wicked, and a most false insinuation to pretend, that out of 30,000 men, the number of regular troops we had in Britain and Ireland when the war began, we could not spare 4 or 5,000 to be sent directly to the West-Indies. And it is as unwise, and as false to pretend, that we could not in a few weeks have provided a number of ships sufficient for transporting them, and a squadron sufficient for convoying them. At the time of the Revolution, the Dutch provided a squadron of fifty men of war, and transports for 14,000 men, of which a great number was cavalry, in three months time, for accompanying the prince of Orange to England. I say, my lords in three months time, for it was in July that the first resolution to assist the prince of Orange was taken by the states general, and they prepared with such expedition, that soon after the beginning of October, a fleet of 50 men of war, 25 frigates, 25 fire-ships, and near 400 transports, with an army of 10,000 foot and 4,000 horse were ready to sail, and actually did sail, upon the 19th of that month. If the Dutch were able to fit out such a fleet in three months, shall it be pretended, will any one dare to insinuate, that the British nation was not able to fit out a squadron of 20 or 30 men of war, and transports for 6 or 7,000 men, all infantry, in less than eighteen months? Those that make such insinuations are, I am sure, more solicitous about making an excuse for the minister, than they are about the character of their country, or the credit of their sovereign.

Thus it appears, my lords, that our present situation, dangerous as it must be confessed to be, is entirely owing to the

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misconduct of our minister; and I shall immediately shew, that the present unlucky situation of the affairs of Europe is chiefly owing to the same cause. That the affairs of Europe are at present in a most unsettled state, that the balance of power is in the most imminent danger, is confessed by the friends of our minister, and is by them made an argument for our approving of his conduct. How just this argument is, I shall leave to your lordships to consider. The affairs of Europe must be re-settled, the balance of power must be re-established, either by a most difficult negociation, or by a most dangerous war; and this nation must, in either of these methods, have a principal share. If by negociation, shall we trust the management of that negociation to those who have been for 20 years negociating with Spain, and instead of adjusting any one difference between the two nations, have rendered every one of them more perplexed, and have at last negociated us into a war? If by war the affairs of Europe are to be re-settled, shall we trust the management of such a dangerous war to those, who have for near 18 months been carrying on a war against the languid and defenceless kingdom of Spain, without reaping any one advantage to their native country, or doing any notable mischief to the enemy? The present unlucky situation of the affairs of Europe is, therefore, as strong an argument as can be urged, for our enquiring into, instead of approving the conduct of our minister, and for our declaring in our address upon this occasion, as the noble duke has desired, that we will exert ourselves in our high capacity of hereditary great council of the crown.

If it could be said, that our minister has had no hand in bringing the affairs of Europe into their present dangerous, I may say dreadful situation: if it could be said, that their present situation is entirely owing to unforeseen accidents, and not to any error in his conduct; yet his conduct with regard to Spain must convince every impartial man, that he neither knows how to conduct a negociation, nor how to carry on a war. But can it be said, that he has had no share in bringing the affairs of Europe into their present distressed condition, or that this distressed condition is owing to any accident? Can the emperor's death be called an accident? Can the death of any man be called an accident? My lords, it is a true and a common proverb, nothing is more certain than death: the time is uncertain, but the event is infallible; and therefore common prudence directs us to provide as soon as possible, against every misfortune that may ensue from a person's death. The House of Austria began early to provide against the death of the late emperor by the pragmatic sanction; and if we had early enough taken proper measures for guaranteeing that settlement, the present unfortunate state of Europe might have been prevented. The pragmatic sanction is far from being a late or a novel invention; it is founded upon the Pacta Conventa in 1703, between Leopold and his two sons, Joseph and Charles: they were sensible of the prejudice their family would suffer by a division of its dominions, they foresaw the danger that would ensue from a disputed succession, and therefore they agreed, that the females as well as the males of their House should be established in the right of primogeniture. In 1713, this agreement was drawn into the form of a settlement or entail, and laid before the emperor's council, where it was confirmed and the pragmatic sanction, the name then given to it, established. In 1720, this pragmatic sanction was received and confirmed by the states of Austria, and soon after, an application was made to us for our guarantee. We had then an opportunity of getting the affairs of Germany so settled, as would have prevented any disputes; but our present minister, who then began to have a great influence upon all our measures, had, it seems, laid it down as a maxim, to preserve a close correspondence with the court of France; and therefore, lest we should disoblige that court, we absolutely refused the suit made to us by the court of Vienna, or to give ourselves any trouble about the misfortunes that might be occasioned by the emperor's death.

This, my lords, threw the emperor into the arms of Spain, and the affront soon after put by the court of France upon that of Spain, together with our minister's refusing the sole mediation offered, for adjusting all the differences subsisting between Spain and the emperor, which he refused likewise for fear of disobliging France, made Spain as ready to fly into the arms of the emperor, which produced the treaty of Vienna between these two powers in 1725. I shall say nothing, my lords, of the terrible phantoms our minister took occasion from this treaty to frighten us with. The overgrown power of the House of Austria,

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and that voracious creature Don Carlos, that was to swallow us all up, must be remembered by every man that has read or heard of the transactions of those times. Nor shall I trouble your lordships with remarks upon our counter treaty of Hanover, which led us into such a train of blunders, misfortunes, and expence; because it has been often and sufficiently exposed. I shall only observe, that our conduct after that, for some years, made it impossible for the court of Vienna to make any farther progress in the pragmatic sanction, or in guarding against the misfortunes that were like to ensue upon the emperor's death. At last, in 1731, our minister, in order to get out of a snare he had led himself into, agreed at once to an absolute guarantee of the pragmatic sanction, without taking the least care to adjust the differences that subsisted between the House of Austria and the other princes of Germany, and, I believe, without the least thought how he was to make good that guarantee; for even the Dutch were at first no parties to that treaty; though they were afterwards prevailed on to accede to it upon certain conditions, by the good conduct of a noble lord I have in my eye.

But the difference between the Dutch conduct and ours is, in this respect, very remarkable; we jumped into this guarantee without obtaining, without, I believe, asking any one advantage for ourselves, for the reason I have already assigned. The Dutch stood aloof for very near a twelvemonth, and made use of this handle to obtain, both from the emperor and us, almost every favour they could ask. They got us to interpose and to procure a peace for them with the Algerines, though it was very much our interest to have prevented it; and they got us to interpose, and get a difference then subsisting between them and Denmark, accommodated to their own satisfaction, though it was our interest to have protracted that dispute. They got the emperor to settle the affair of East-Friseland, so far as he could, to their liking; and to give them a security for the payment of a sum of money due to them on account of the barrier in Flanders, besides several other advantages: and at last they did not accede but upon conditions, and not till after the pragmatic sanction had been guaranteed by the diet of the empire. Will any one say, that the Dutch are not as much concerned about preserving entire the possessions of the House of Austria as we are? Will any one say, we are not as able to stand upon our own legs as the Dutch are? We had, it is true, very little to ask from the House of Austria in favour of ourselves; but we might have obtained some concessions in favour of some princes, that would have made the guarantee of the pragmatic sanction a less knotty point than it is like to prove.

The imperial court having thus, as I have said, my lords, obtained the guarantee of this nation, they immediately applied themselves to the diet of Ratisbon, and got the pragmatic sanction established, and guaranteed by almost the unanimous consent of the princes and states of the empire, even before the Dutch had acceded to that guarantee. The electors Palatine, Bavaria, Saxony, and the little bishop of Freysengen, whom the duke of Bavaria got to join with them, were the only princes that protested against it: of these the elector of Saxony has since joined in the guarantee; and the others did not protest against it on account of any claim that either of them pretended to the whole or any part of the dominions of the House of Austria, but on account of Hungary and those other Austrian dominions being included in the guarantee, which were properly no part of the empire.

From this account your lordships will see, that the establishment of the pragmatic sanction was long delayed, even in the empire itself, by the blunders of our minister, and by his most unaccountable attachment to the court of France. But this was not the sole bad consequence of his misconduct; The pragmatic sanction was guaranteed, but the differences among the princes of the empire remained unadjusted, and no care was taken for preventing disputes about the election of an emperor, in case of the death of the then emperor, before the empire's having chosen a king of the Romans, both which points might have been settled, if we had taken right measures for that purpose before guaranteeing the pragmatic sanction; but as one blunder generally leads a man into a second, and from that to a third, our minister was drove headlong into this guarantee by a blunder he had committed in the treaty of Seville.

This, my lords, is one of the chief causes of the present dangerous state of affairs in Europe, and the other cause is still more manifestly owing to his misconduct. By his causelessly picking a quarrel with the

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emperor, on account of the treaty at Vienna in 1725, and by the measures he took after the treaty of Hanover, he restored and cemented an union between the courts of France and Spain, and threw a bone of contention between the courts of Madrid and Vienna, which produced the war in 1733 against the emperor; and by our inactivity in that war, the emperor was divested of the two Sicilies, and the whole dukedom of Lorain annexed to the crown of France; and, which was worse than either, not only a distrust, but a sort of resentment created in the court of Vienna against this nation, which makes me doubtful, whether the death of the late emperor was a loss or an advantage to us. But whatever it was to the nation, I am convinced, it was an advantage, at least a temporary advantage, to our minister; for while he continued in the administration of our affairs, and the emperor lived, France knew we could expect no assistance from the court of Vienna. This left them at full liberty to join with Spain against us; and they would probably have done so before this time; but by the emperor's death their attention was drawn another way, which made them suspend declaring against us. The emperor's death was, therefore, a temporary advantage to our minister; but if we do not now play our cards very dextrously, which, I am persuaded it is not in his power to do, this temporary advantage may end in the thraldom of Europe, and the ruin of this nation.

I hope, my lords, I have now shewn, that whatever danger there may be in the present situation of the affairs of Europe, it is entirely owing to the misconduct of the minister, whose measures we are now desired implicitly to approve of; but though I must allow the danger to be great, yet if this nation acts with tolerable prudence and vigour I do not think it near so great as it has been represented; and therefore I cannot think it was right to mention the emperor's death in the manner in which it is mentioned in his majesty's speech. We ought not, in such an anticipated manner, to suggest jealousies and fears about the balance of power, and the liberties of Europe. The pragmatic sanction is a security against all attempts upon either. Let us consider, my lords, that the pragmatic sanction was but lately guaranteed by France for a very valuable consideration; and that no power in Europe will attempt any thing against that settlement without the assistance of France. If the present French ministers should begin to act against what they guaranteed so lately as in the year 1738, it would render them as odious as the French ministry was in Lewis the 14th's time, which at last raised such a confederacy against that nation, as made their grand monarch tremble upon his throne. Such a barefaced breach of faith would hang like a load of iron about their necks: it would draw the vengeance of all the powers of Europe upon them; and therefore I cannot believe they will attempt any such thing, unless they are prompted to it by a supposed timidity or perplexity in the counsels of this nation. This they may perhaps, from our late conduct, have some ground to suppose; and for this very reason, we ought to agree to the noble duke's motion, in order to shew them that our future counsels are to flow from a very different fountain.

The Duke of *Newcastle:*

My lords; if the present crisis of affairs did not, in my opinion, require from us something extraordinary upon this occasion, I should most readily agree to the noble duke's motion, because I think our duty and affection to his majesty cannot be more strongly or more emphatically expressed, than they are in his motion; but as several circumstances of affairs abroad require from us some particular expressions of duty and affection adapted to those circumstances, and as the noble lord near me has taken care to make use of expressions in his motion extremely proper for this purpose, I must be for our agreeing to the second motion, though I have all imaginable regard for the first, as well as I have for the noble duke that made it.

The objections I have hitherto heard against the second motion are all founded upon a supposition, which, I think, cannot be drawn from any thing expressed in the motion. It is supposed, my lords, that the second motion contains an implied approbation of all our past measures. I heard the noble lord make it; I afterwards heard it read over at your table; I have since read it over by myself with the utmost attention, and I protest I cannot find so much as an implied approbation of any one measure lately transacted. It contains indeed an express approbation of some of his majesty's resolutions, which he has been pleased to mention to us in his speech from the throne; but those resolutions, call them his majesty's or call them the minister's, which your lordships will, are

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such as I am certain, no noble lord in this House, nor any man in the nation, that wishes well to his country, will disapprove of. His majesty has told us, that he is resolved to carry on the war in the most proper places, and in the most vigorous and effectual manner; in answer to which the noble lord proposes, that we should acknowledge his majesty's great wisdom, and his adherence to the true interest of his kingdoms, in resolving to carry on the war in the most proper places, and in the most vigorous and effectual manner. We are not to thank his majesty for having carried on the war in the most proper places, or in the most vigorous and effectual manner; we are only to acknowledge his wisdom in having resolved to do so: And is not this a right resolution? Is there any man in the kingdom will say it is wrong?

By this therefore we do not approve of any past measure; we do not approve of any thing that has been done; we only approve of what his majesty resolves to do, and this every one of your lordships must approve of, whether you express it in your address or no. It is the same with regard to the other resolution, and the only other resolution referred to by any thing proposed in the second motion. His majesty in his Speech has told us, that if any other power should interpose, and attempt to prescribe or limit the operations of his arms, he is resolved not to be diverted or deterred by that or any other incident, from those just or vigorous measures which he is pursuing, for maintaining the honour of his crown, and the undoubted rights of his people; and in answer to this, it is proposed by the second motion, that we should acknowledge his majesty's wisdom, and his adherence to the true interest of his kingdoms, in not suffering himself to be diverted or deterred from carrying on the war in the most proper places, and in the most vigorous and effectual manner. Is this so much as an implied approbation of any late measure, or of any thing that has been done? Is it any more than an approbation of his majesty's resolution not to suffer himself to be diverted or deterred? And is not this a resolution that every well-wisher to this kingdom must approve of?

The other parts of his lordship's motion contain nothing but assurances, and, I think, very proper and very necessary assurances, of our concurring with and supporting his majesty in all proper measures, for vindicating and defending his majesty's dignity and honour against any insults, for frustrating any designs formed against us, and for maintaining the balance and the liberties of Europe. Therefore, my lords, the late conduct of our ministers, or if your lordships please, the minister, has nothing to do in this debate, nor is it absolutely necessary to answer any of the objections that have been made to it; but as I think myself personally concerned, I hope your lordships will forgive me, if I endeavour to vindicate some of those measures that have been found fault with, especially as I am resolved, in doing so, to take up as little of your lordships' time as possible. The noble lord that spoke last, whose knowledge in political affairs is very extensive, and whose judgment I shall always have a great regard for, has been pleased to inform us of a fact which, I confess, I was before an utter stranger to. As I do not pretend to any great knowledge of those affairs in which I have had no concern, I shall readily own, that I knew nothing of any application's having been made to us by the court of Vienna, for our guarantee of the pragmatic sanction, so early as soon after the year 1720. But if such an application was made, and we at that time refused the request, I cannot think it was for the reason the noble lord has been pleased to assign: there might be several other reasons, and even the noble lord himself has been pleased to hint something of what was, I believe, the true reason. At that time there were several differences subsisting between the court of Vienna and some of the other powers of Europe, particularly Spain. We perhaps thought the court of Vienna a little intractable, as has often been the case, and that therefore it was proper for us to delay yielding to their request, till we should get them to make such concessions as might engage other powers, particularly Spain, to join with us in that guarantee. If this was the reason for our refusing our guarantee at that time, it was a very prudent reason, even according to the noble lord's method of arguing; and it is more probable, that this was our reason, than that any unaccountable attachment to the court of France could be the cause of our delaying at that time to guarantee the pragmatic sanction.

However, my lords, it is very probable the court of Vienna conceived a resentment against us upon that account, which resentment was soon after very much

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heightened by the dispute about the Ostend company; and as Spain had likewise a resentment against us, on account of our refusing to deliver up Gibraltar, which, they said, the late king had promised, this joint resentment threw these two courts into the arms of one another, and made them join in those unjust and dangerous engagements, which they entered into by the secret articles of the treaty concluded at Vienna in 1725. These engagements, my lords, made it necessary for us to concert and conclude the treaty of Hanover; and when by that treaty, and the wise and vigorous measures we took in pursuance of it, both the emperor and Spain saw it was not in their power to hurt us, or to support the Ostend trade in defiance of us, or, in short, to carry any of their projects against us into execution, the court of Vienna found it necessary to reconcile themselves to us by sacrificing their Ostend company, and the court of Spain by giving up the pretensions they made to Gibraltar. We had then an opportunity to reconcile ourselves with both these courts, which it is always our interest to do as soon as we can upon reasonable and honourable terms; and to reconcile them with one another, which it is the interest of Europe as well as ours to have done, provided that reconciliation be founded upon a design to preserve, and not to disturb the tranquillity of Europe. This we did by getting the emperor to consent to the introduction of Spanish troops into Italy, and by getting Spain to join with us in the guarantee of the pragmatic sanction, both which we accomplished in the year 1731.

Thus, my lords, it appears, that our delay in guaranteeing the pragmatic sanction, was not owing to any misconduct in our ministers, but to the misconduct of the court of Vienna, in setting up an East India company at Ostend, contrary to the title by which they held the Netherlands, and in entering into such engagements with Spain, as could not but raise the indignation, as well as resentment of this nation. The haughtiness and obstinacy of that court are well known: it required a long time as well as vigorous measures to prevail with them to make proper and just concessions to us, to the Dutch, and to the Spaniards. As soon as we found them willing to do this, we guaranteed the pragmatic sanction: the court of Spain very soon after did the same; and if the Dutch did not immediately come into that guarantee, it was owing to their form of government, which made it necessary for us to lead the way, in order to furnish an argument to that party amongst them that were for the guarantee, for prevailing with those that were against it.

But, suppose, my lords, the Dutch had absolutely refused to guarantee the pragmatic sanction; suppose they did not or would not see their real interest, was that a reason for us to neglect ours? Suppose they lie by, or perhaps assist in overturning the liberties of Europe, would that be a reason for us to do the same? We were therefore in the right to agree to that guarantee, as soon as we found the court of Vienna ready to do what was proper for that purpose; and if any disputes remained among the princes of the empire, if no method was settled for preventing disputes about the election of an emperor, it was owing to the nature of things, and not to any misconduct in us; for if the guarantee had been delayed, till all these matters should be settled, I am convinced, it would never have been agreed to. These disputes might have remained, but the pragmatic sanction's being guaranteed by the empire, by Muscovy, by Spain, and by Great Britain, if all the parties had been sincere, and the court of Vienna satisfied with the security they had obtained, would have prevented any power in Europe from daring to disturb the tranquillity thereof, on account of any of those disputes. But the insincerity of Spain, which soon afterwards appeared, could neither be foreseen nor provided against; nor could it be imagined, that the court of Vienna would enter into a concert with Muscovy for overawing the election, and forcing a king upon the republic of Poland.

This, my lords, leads me of course to consider our conduct when the war broke out between France and the emperor. It is very certain, that war was occasioned by the conduct of the court of Vienna with regard to the affair of Poland; and we are here to consider, that the only attachment we have to the court of Vienna is on account of preserving the balance of power in Europe. We are on this account to shew ourselves friends to the House of Austria, as long as they do not attempt to overturn that balance; but we are not to be the slaves of that house, and to fight their battles whenever they have a mind, or engage in every quarrel they may draw upon themselves. The preservation of the balance of power and liberties of

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Europe, does not so much depend upon preserving entire the dominions of the House of Austria, as in taking care that none of those dominions shall devolve to any potentate in Europe, whose power by that accession may become dangerous to the public liberty. The emperor had drawn that war upon himself, and therefore we were not obliged by any treaty or alliance to assist him. We were only to take care that neither France nor Spain should, by the event of that war, get such an accession of power as might endanger the balance of power in Europe. This was the maxim the Dutch went upon as well as we; and it was a right maxim. But suppose it had been otherwise, it would have been very dangerous for us, and of the most pernicious consequence to our trade, to have engaged in that war, whilst the Dutch remained at peace, and consequently in an uninterrupted enjoyment of trade and commerce. It was therefore our business to delay engaging till the Dutch found it necessary to engage as well as we: this they would have done, if France and her allies had pushed their success too far: for preventing this, it was necessary for us to make preparations, and in this the Dutch kept equal pace with us, so far as the forms of their republic would admit.

I hope, my lords, I have now made it appear that the present state of affairs in Europe, however dangerous it may be, is not owing to any misconduct in our ministers. It is entirely owing to the late emperor's not having had a son, to the disunion among the electors about chusing a successor to the imperial dignity, and to the emperor's dying before this disunion could be removed: These must all be allowed to be accidents, because every one of them might have happened otherwise; and to these accidents the present unsettled state of affairs in Europe is solely to be attributed. Then as to our conduct in our late negociations with Spain, every one knows it was such as was recommended by the parliament itself; for the parliament always advised his majesty to try what could be done by peaceable means, before having recourse to warlike; and if the negociations were drawn out to a great length, it was owing to the tender regard his majesty had for the trade of his subjects, and the advice of his parliament, which made him resolve not to have recourse to arms, till he was absolutely certain that no other method would prevail. Not only the method of negociation was recommended by parliament, but every material step of that negociation has been approved by parliament, therefore I am surprized to hear it now found fault with. And as to our conduct since the war began, I am convinced no fault will be found with it by those who consider the circumstances we were in when the war broke out. Our not sending a land-force to the West-Indies sooner than we have done, was entirely owing to the few troops and the few seamen we had in the nation, when it became necessary for us to begin hostilities; and to our being obliged to provide for our defence at home, and for the security of our valuable possessions in the Mediterranean.

I am far from saying, my lords, that 30,000 regular troops in Britain and Ireland are necessary for supporting the government against the disaffected, or for preventing our present happy establishment from being overturned by a sudden invasion with a small number of troops. The people are so generally well-affected to his majesty, and to our present happy establishment, that, in all human probability, we should at the long run be able to defeat any insurrection that could be made by the disaffected, or any invasion that could be suddenly made for assisting them, even though we had not one regular regiment in the kingdom. But, my lords, we are to think of and provide for the quiet of the people, as well as for the support of the government; and therefore we are to consider how to prevent, as well as how to defeat any insurrection or invasion. For defeating an insurrection or invasion, after a long struggle and a great deal of mischief done to the country, it may not perhaps be necessary to keep near the number of 30,000 regular troops in Great Britain and Ireland; but for taking away from our enemies at home all hopes of success, and thereby preventing an insurrection: and for taking away from our enemies abroad all hopes of being able to do us any notable mischief, and thereby preventing an invasion, I will say, that 30,000 regular troops is the least number we ought to keep up in Britain and Ireland, even in time of peace, and by much too small a number in time of war; and therefore I will say, that we could not in prudence spare to send any land forces to the West Indies, till after we had considerably augmented our army at home; because, though it would not have ex-

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posed our government to the danger of being overturned, it would have exposed us to the danger of having our domestic tranquillity interrupted by an insurrection or invasion; and I am sure, the best way for enabling ourselves to prosecute the war abroad with vigour, is to preserve the tranquillity at home with care.

But suppose, my lords, we could have spared some of our land-forces, we could not get seamen enough at first for fitting out all the squadrons we had occasion for, and for providing a sufficient number of transport-ships. We had been for a long time in profound peace, for which, I think, we ought to thank our ministers, though several lords seem now to be of a contrary opinion. We had seldom, for many years, had occasion to fit out any great number of men of war; by which our national stock of seamen came by degrees to be reduced to a number scarcely sufficient for carrying on our trade, and for manning the number of ships of war we usually keep in commission in time of peace. At the beginning of this war we were obliged to keep one very strong squadron upon our own coasts, especially as Spain was actually preparing to invade us, and as we were not very sure what another power might do, if we had laid ourselves open to an invasion. We were obliged to employ a great many ships of war for convoying and protecting our trade; and we were obliged to keep a strong squadron in the Mediterranean for protecting Gibraltar and Minorca, especially the latter, which was actually threatened with an attack. These preparations, which were indispensable for our own defence, made it impossible for us to provide, at the very beginning of the war, such a powerful squadron, and such a number of transports, as were necessary for making a vigorous attack upon the enemy in the West-Indies. This was at the very beginning of the war resolved on; preparations were made for it with the utmost expedition; and if the fleet had met with a fair wind as soon as it was ready, we might perhaps, before now, have heard some joyful accounts of its success.

I have now, I think, my lords, answered all the objections that have been made to our conduct, or to the motion which the noble lord was pleased to propose; and shall conclude with giving my reasons for preferring his motion to that made by the noble duke. My lords, I am far from finding fault with any of the expressions contained in the noble duke's motion, and I believe, if they are understood in the sense he meant them, no objection can be made to any one of them. However, I must observe, that there are some words in what he has proposed, which, I think, in prudence ought to be left out, because they may be misunderstood; and if they should, it would of course occasion a breach between the two Houses, which, in the present conjuncture, would be of the most fatal consequence. When I say this, I am persuaded every one of your lordships supposes, that I mean the words, "To which all other councils are subordinate and accountable." This expression is so general, that I am afraid it may be misunderstood by the other House. I am convinced the noble duke does not mean any such thing, but I am afraid, should we make use of such an expression in our address, the other House would suppose, we thereby meant to assert some sort of jurisdiction over them, which would of course make them insist upon an explanation; and the two Houses might very probably disagree about the terms of this explanation.

Therefore, my lords, if we were to agree to this motion, I think an Amendment ought to be made, by leaving out these words, before we agree to it; but I think the whole, as well as this particular expression, is too general. I shall admit that the noble duke, so far as he goes, has expressed himself, as he always does, in the strongest and clearest terms; and for this reason, I hope, your lordships will avoid putting a negative upon the motion: but the present conjuncture of affairs, both foreign and domestic, is so critical, that we ought not to content ourselves with general expressions of duty and affection to our sovereign, however strong, however clear those expressions may be. His majesty has in his speech repeated to us his resolution to prosecute the war in the most proper places, and in the most vigorous and effectual manner; this is a right resolution, and our approving of it in a particular manner, will have great weight with our declared enemies, in making them resolve to submit betimes to reasonable terms. His majesty has in his Speech insinuated some danger of another power's attempting to limit the operations of war against our declared enemies, but that he is resolved not to be diverted or deterred from those just and vigorous measures he is pursuing: this is a right resolution, and

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our approving of it in a particular manner will certainly be of great advantage to the nation; it may alter the resolutions of our secret enemies; when they see that both the king and parliament of Great Britain are resolved not to be diverted or deterred from prosecuting the war in the most proper manner for bringing it to a speedy and happy issue, it may prevent their daring to attempt what they are at present perhaps resolved to attempt; and our declared enemies being thus rendered destitute of all hopes of succour from our secret enemies, they will immediately think of avoiding the storm which, they will then see, can be avoided no other way, but by a speedy submission to what they themselves must confess to be reasonable.

Thus, my lords, with regard to our own affairs, it will be of great advantage to the nation, and therefore I think it absolutely necessary for us to give his majesty upon this occasion, in a particular manner, our thanks for the vigorous resolutions he has taken, and the strongest and most particular assurances, that we will stand by and support him in those resolutions. And with regard to the affairs of Europe, can we at such a critical conjuncture omit to assure his majesty, that we will stand by and support him, in adhering to the engagements he is under, for maintaining the balance and liberties of Europe, on the event of the late emperor's death? We know, my lords, what a brittle thing a treaty is, let it be never so solemn. The pragmatic sanction is, it is true, guaranteed; but to those that are willing, the election of an emperor may probably furnish a loop-hole for getting out of that guarantee; and our neglecting upon this occasion to return a proper answer upon this subject, would shew such a lukewarmness in the parliament of Great Britain, with regard to the balance and liberties of Europe, as might very much encourage those who are already too willing to encroach upon both. For these reasons, my lords, I think we ought to take care, in our Address upon this occasion, to return a proper and a particular answer upon each of these heads; and as the noble lord in the motion he has been pleased to make, has expressed himself in the handsomest manner upon each of these heads, I must give it the preference to that made by the noble duke; but as the latter, so far as it goes, is so genteelly, and at the same time so warmly expressed, I would not have a negative put upon it; and therefore, in order to come at the second motion, I shall take the liberty to move your lordships for the previous question with regard to the first.

The Earl of *Chesterfield:*

My lords; as I never did, as I hope I never shall desire to screen myself, or any of my friends, behind the throne, I shall always be cautious of bringing his majesty's name into any debate in this House; but upon this occasion I must be more cautious than usual, because in this debate it is impossible to argue with that freedom which becomes a member of this House, without taking such liberties with our past measures, and what are said to be our present resolutions, as would ill suit with the name of majesty: therefore, when I talk of measures or resolutions, I shall do what every lord in this House ought; I shall substitute the name minister instead of majesty, and I hope your lordships will do me the justice to suppose, that whatever I may say, however I may express myself, it is far from my heart to intend the least reflection upon my sovereign.

I shall likewise, my lords, be at all times extremely cautious of giving praise, either to the measures or the resolutions of ministers; because their measures are often wrapt up in such clouds, that I cannot clearly discern them, and their secret resolutions are too often contrary to their open professions. But when I see ministers begging hard for a little incense, and endeavouring to have a motion rejected, with which even they themselves can find no fault, in order to make room for encomiums which they themselves have prepared, I shall always then be for denying their request, till I have examined into their merit. 'Latet anguis in herba,' I shall then think a most reasonable and necessary suspicion, and therefore I shall be for turning over, and searching narrowly into the weeds under which the serpent may lie concealed, before I set a foot in any of those steps which they desire me to tread.

As the minister's resolutions are chiefly the subject of this debate, it is proper I should begin with them; and here, my lords, I must observe, that it is very unusual, if not unprecedented, for this House to thank or applaud any minister for his resolutions. I have heard of ministers, generals, and even private men getting the thanks and applauses of this House for important services rendered to their coun-

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try; but I do not remember to have ever heard of any man's getting the thanks of either House of Parliament for a resolution, he said, he had taken. Therefore, so far as I remember, what is now desired of us must be allowed to be without precedent; but this I should have no great concern about, if I thought it would likewise be without consequence. The necessary consequence of our acknowledging the wisdom of any resolution will be this: the world will from thence suppose, that we were fully convinced of the minister's having taken such a resolution; and if it should afterwards appear from his conduct, that he had never taken any such resolution, what will the world think of our penetration and integrity? They must condemn either one or the other; they will, probably, condemn both; and of what fatal consequence this may be to that character which we ought to preserve both at home and abroad, I shall leave your lordships to judge.

After what is premised, I shall beg leave, my lords, to examine the resolutions which the minister tells us he has taken. He says, he has resolved to prosecute the war in the most proper places, and in the most vigorous and effectual manner. My lords, he told us the same thing at the close of last session: can any one say, that it has since been prosecuted in any place, or in any manner? We must therefore conclude, either that the resolution was not then taken, or that it has since been altered; and is this a reason for our believing that it is now taken, and that it will be pursued, only because he says so? A formidable squadron with a fleet of transports has now sailed, very lately, my lords; but it is not the first time he has sent out formidable squadrons to do nothing. As the same minister formerly sent out a squadron to persuade the Spaniards to give up their ships, this squadron may perhaps be sent out to persuade the Spaniards to give up their settlements, and their persuasions will, I am convinced, have as little effect. I therefore wish your lordships would suspend your acknowledgments, till you are convinced of the resolution's being taken, by its effects. I am sure, from the minister's past conduct, your lordships have no reason to believe, that he will ever prosecute any war, or any foreign measure in which there is the least difficulty, with vigour and effect. After the treaty of Hanover, he prosecuted a war against the Spaniards, or at least he allowed them to prosecute a war against this nation, for above two years: did he on his part prosecute it with vigour or effect? He has been negociating with the Spaniards ever since the treaty of Seville, about obtaining satisfaction for past injuries, and security against future: they indeed, during most of that time, prosecuted their depredations with vigour and effect; but can it now be said, that he negociated with vigour or effect? He has now been prosecuting open hostilities against Spain for near seventeen months: has he yet done any thing? Has he attempted any thing that, had it proved successful, would have compelled that haughty and obstinate nation to submit to equitable terms? Does not the world know, does not the world stand amazed, that we have not as yet done any thing? Does it not seem as if some malign planet hung over our counsels, and retarded or disappointed every vigorous resolution? And shall we upon an *ipse dixit* acknowledge the wisdom of such a minister, in resolving to prosecute the war in the most proper places, and in the most vigorous and effectual manner?

Another resolution, my lords, which we are to acknowledge the wisdom, and thereby confess the truth of, is, that our minister has resolved not to be diverted or deterred from the just and vigorous measures he has resolved to pursue, by the attempts of any power whatsoever to limit, or prescribe bounds to our warlike operations. Here, my lords, are two facts which we are to affirm the truth of, without the least ground but the minister's *ipse dixit*. We are to affirm, that some foreign power threatens, or seems inclined to attempt to limit the operations of the war on our side; and we are to affirm, that our minister has resolved not to be diverted or deterred by those threats or appearances. These are two facts which we are to affirm the truth of, at least the whole world will conclude, that we believe them to be true, if we should agree to what the noble lord has proposed; and I wish the noble lord that made the motion, or any other lord, would shew me, what parliamentary authority we have for believing either.

Our gazettes, I know, my lords, have told us, that the French have sent two squadrons to the West Indies; and from the nature of things we may suppose, that they will endeavour to limit our warlike operations against Spain, because it is their interest to do so, if they find they can do it without exposing themselves to great

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danger. But is a common newspaper an authority upon which we can found any resolution? My lords, as members of this House, we do not know that they have sent a ship to the West Indies, nor do we know that they have ever made the least insinuation of their being resolved to interpose in the war between us and Spain; and, I am sure, it is no compliment to our minister to imagine that they will dare to interpose, because we must grant that he has negociated to very little purpose, if the French have any ground to think that they may support Spain in such an unjust war against this nation, without exposing themselves to any great danger. We have therefore no parliamentary authority for believing that the French will attempt to limit our operations of war against Spain, nor have we any authority from the nature of things, without supposing that the minister deserves to be censured, instead of having his wisdom acknowledged.

But suppose, my lords, we had a parliamentary authority for believing, that the French have sent their squadrons to the West Indies, and that they have sent them thither with a design to limit our operations against Spain, as they have not yet openly and publicly declared their design, I think, it would be wrong in us to take notice of it in our Address: I think it was wrong to put any words relating to it into his majesty's Speech. It is a sort of boasting, which is never right either in public or private life. Let us do, my lords, and not boast of what we shall do. Let us shew, by our actions and not by our words, that we are not to be diverted or deterred from doing whatever we think proper for maintaining the honour of the crown, and the undoubted rights of the people. In all cases of danger, it is a rule not to believe a fellow that boasts of what he will do; and if we apply this rule to the present case, we ought from thence to conclude, that our minister is not resolved not to be diverted or deterred by the court of France from pushing the war against Spain in the most proper places, and in the most vigorous and effectual manner.

This, I say, my lords, we ought to conclude, if we had no other reason besides his boasting manner of declaring his resolution; but if we consider his past conduct, especially his conduct since the beginning of the present war, we have many additional reasons for concluding, that he neither has taken, nor is capable of taking any such resolution. When we consider his past conduct, we must, I think, conclude, not only that he has been diverted and deterred by the court of France from doing what he ought to have done, but also that he has been influenced and led by that court, to do many things which he ought not to have done: and therefore, before we believe, or give cause to others to think we believe, that he is now resolved not to be diverted or deterred by the menaces or attempts of France, we ought to stay till we are convinced of it by what he does, and not by what he says. In all his past measures he has never said that he was, he has often affirmed that he was not diverted or influenced by the court of France, though from his actions it has plainly appeared; and that it may still more evidently appear, I hope your lordships will give me leave to make a few observations upon what the noble duke has been pleased to say in excuse for our minister's conduct, in which the noble duke may, perhaps, think himself personally concerned, but if he does, I believe I may assure him, that he thinks worse of himself than any man in the kingdom does.

The noble duke was pleased to say, that if we refused to guaranty the Pragmatic Sanction when it was desired of us soon after the year 1720, the reason was, because there were then some differences subsisting between the emperor and Spain. If this, my lords, was our reason for refusing the guarantee at that time, was it not a strong reason for our accepting of the sole mediation soon after offered to us, for removing those differences? It certainly was; but our minister was deterred by the court of France from accepting of that mediation, as well as he was from agreeing to the guarantee, though it was very much the interest of his country to have accepted of the one, and agreed to the other.

With regard, my lords, to the secret engagements said to have been entered into by the courts of Madrid and Vienna in the year 1725, they were so positively and so publicly denied by the emperor and Spain, as well as by a great party in this kingdom, that if our ministers could have produced any positive proofs of such engagements having been entered into, I am sure, they would for their own vindication have published them; and even suppose the fact had been true, such engagements might have raised our indignation, but ought not to have raised our resentment. We ought to have despised them, because

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they were such as it was impossible for the contracting parties to execute. But I am fully convinced, and all the world now believes, there never were any such engagements. The case was quite otherwise. We were invited to accede to that treaty, and it was very much our interest to do so, in order to restore the ancient alliance between this nation, Spain and the emperor. This was diametrically opposite to the interest of the court of France, therefore they resolved to prevent it; and our minister being then, as he has been ever since, very much under the influence of the court of France, the story of these secret engagements was cooked up by that court, perhaps in concert with our minister, in order to prevail with his late majesty to come into their measures; and by the same sort of influence this nation was afterwards made the cat's paw for breaking off all correspondence between the courts of Madrid and Vienna, for establishing a lasting cause of quarrel between them, and for restoring and confirming a firm union between the courts of France and Spain.

As to the Ostend company, my lords, it was an affair with which we had very little to do, any other way than as it might breed a quarrel between the emperor and the states general: in this light, indeed, it was our business to prevent, if possible, the setting up of any such company; and if we had strenuously opposed, and peremptorily declared against the setting up of any such company, we might have prevented the granting of their charter; but after the charter was granted, I am sure it was not the business of this nation to be more forward and more zealous than the Dutch in taking measures against it. I doubt much if the Dutch, notwithstanding the influence their East India company have upon their public affairs, would on that account have come to an open rupture with the emperor; because their company, by lessening their profits for a few years, might have ruined the Ostend company, without engaging their government in the dispute. But as the Ostend company would have interfered very much with the French India trade, then in its infancy, and as our minister was under the influence of the court of France, he was prevailed on to represent the Ostend company, as an affair of the utmost consequence to this nation, and to make it a condition *sine qua non* in the continuation or renewal of our friendship with the emperor.

There was therefore no one reason in the world, besides the influence of the court of France, that could induce this nation to conclude the treaty of Hanover; and much less was there a reason for our taking those measures afterwards which put this nation to so great expence, run it into such a labyrinth of negociations, created an open rupture between us and Spain, and had like to have led us into a war, in conjunction with France and Spain, against the emperor. If the design of the treaty of Vienna had been to attack this nation or the Dutch, we were sufficiently provided for our defence, and even for assisting the Dutch, without putting ourselves to any new expence, till after the attack had been begun; and if the design of that treaty was to attack the French, I am sure it was none of our business to prevent it.

I was really surprized to hear the noble duke assert, that by the treaty of Seville the Spaniards gave up their pretensions to Gibraltar. By that treaty, my lords, they gave up nothing; all their disputes with us, and all the pretensions they had set up against us, were left in suspence; and we expressly yielded up a point which was of the most pernicious consequence to the affairs of Europe, and was a new demonstration of the influence the court of France had over our minister. I mean the introduction of Spanish troops into Italy, which we not only consented to, but engaged to assist in making it good. This was like to have engaged us in a war against the emperor; and to avoid this, which our minister foresaw no British parliament could be prevailed on to approve, he was led on to the precipitate and ill-conducted treaty with the emperor in 1731, by which he guaranteed the pragmatic sanction in the most absolute terms, and engaged in a defensive alliance with the emperor, as express and general as any that could be concluded.

This treaty stood in full force in the year 1733. The emperor had done nothing I know of to disoblige us: therefore, to know whether we were obliged to assist him at that time, when he was attacked by France, Spain, and Sardinia, we must consider the affairs of Poland, which, the French pretended, were the cause of that attack. I shall not enter into the dispute, whether Augustus or Stanislaus was duly elected king of Poland: perhaps neither of them was; but this I will say, that it was of dangerous consequence to the

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balance of Europe to have Stanislaus in the quiet possession of that crown; therefore we ought to have concurred with the emperor in all peaceable methods for preventing his election; and if the emperor brought a war upon himself by what we either did or ought to have concurred with him in, I think we were in honour bound to assist him, even though there had been no defensive alliance between us. But the point of duty was not then the only point we had to consider; the point of interest was of greater weight; and considering the disputes we then had with Spain, it was our interest at any rate to preserve a close correspondence with the court of Vienna. The preservation of the balance of power in Europe was not then the only attachment we had to that court: our own immediate safety was another and a stronger attachment. We might have foreseen what we are now so much afraid of; we might then have foreseen the danger of having France and Spain united in a war against us; and therefore, for our own immediate safety, we ought to have supported at any risk our alliance with the court of Vienna, unless we were resolved to bear with the insults and depredations of Spain, as long as they had a mind to continue them; which was, perhaps, the resolution of our minister, and a resolution he seemed resolved to stand to, if the spirit of the nation had not forced him to alter it.

The war therefore is no proof of any alteration in his conduct, farther than he is forced to by the spirit of the people; and the prosecution hitherto gives some people a suspicion, that he designed it rather as an amusement for our own people, than as a method for compelling the enemy to do us justice: at least, I am sure, we have as yet no proof of his not being diverted or deterred, by the menaces of France, from prosecuting the war in a vigorous and effectual manner; and as I have shewn, that in other parts of his conduct, he has been often deterred by the court of France from doing what he ought to have done, and even influenced by them to do what he ought not to have done, I think we ought to wait for such a proof before we make him any acknowledgments upon that head.

For this reason, my lords, I cannot agree to that part of the noble lord's motion, which proposes our making acknowledgments to the minister for his wisdom in the resolutions he has taken; and as for the assurances proposed to be made to his majesty, I think they are all contained in what the noble duke has proposed, and much more strongly and sublimely expressed. The sublime is always laconic; and the noble duke has taken care to express himself in the most laconic, and the most comprehensive manner. I shall never be against making the strongest professions of duty and affection to his majesty; but let us do it with dignity: zeal may sometimes carry men too great a length: I remember a gentleman once said in the other House, he would sacrifice his life and fortune, and more if it was necessary, to the service of his sovereign. I do not say there is any such blunder in what the noble lord has been pleased to propose; but I think his professions and assurances are a little too much exaggerated, and by being so they are weakened. To assure his majesty that we will stand by him with our lives and fortunes, in the prosecution of the just and necessary war in which he is engaged, is as much as we can say with regard to the present war; and if your lordships think it necessary, you may add, or in any war in which his majesty may be necessarily engaged, for maintaining the balance and liberties of Europe, on the event of the late emperor's death.

Lord *Cholmondeley:*

My lords; I believe it will be found upon examination, that no custom, good or bad, was ever introduced without some reason; and by enquiring into the reason or cause of any custom's being first introduced, we may generally determine, whether it be in itself good or bad. The custom, therefore, of returning in our address, a particular answer to every thing the king is pleased to communicate to us by his speech from the throne, let it be a bad or a good custom, is not without its cause; and that cause, I believe, is to be found among the many good alterations that were made in our constitution by the happy Revolution. Before that time, our kings were seldom very fond of parliaments, and consequently not very fond of communicating their measures to them. They seldom communicated to parliament, either what they had done, or what they intended to do; and no wonder, for their measures were generally such, as they knew the parliament would not approve of. Whilst this continued to be the case, there is nothing strange in seeing the ad-

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dresses of both Houses of Parliament conceived in general terms; for the parliament could not descend to particulars, when nothing particular had been said to them in the speech from the throne. But as the public measures, since the Revolution, have generally been such as were designed, at least, for the public good, they have been particularly communicated to parliament, at the beginning of every session, by the sovereign's speech from the throne; and this, most reasonably, I think, introduced the custom of our being a little more particular in our addresses, by way of answer to that speech.

Another reason, my lords, for introducing this custom, may be drawn from the different methods of granting the sums necessary for the support of our government. Before the Revolution, all the sums necessary for the support of our government were granted in general, and without appropriating any particular part of them to any particular service; but since that time, particular clauses of appropriation have been introduced. The sums necessary for the support of the civil list, are granted at the beginning of each king's reign, for the term of the king's life, and are particularly appropriated to that service, but with regard to all other services, the sums necessary for them are granted but from year to year by parliament, and are all appropriated by parliament to their particular respective services, which creates a much greater dependence in the crown upon parliament, and makes it necessary for the sovereign to communicate particularly to his parliament the measures he intends to pursue, as far as they can be communicated consistently with the public good; and this again makes it necessary for us to be a little more particular in those addresses, which are intended as answers to his majesty's speech from the throne.

These, my lords, I take to be the reasons for introducing that custom, which is now so much exclaimed against, and which we are desired to abolish, though the reasons for it are now as strong as they were when the custom was first introduced. I believe none of your lordships will find fault with any of the alterations which gave birth to this custom: I believe they will be allowed to be both prudent and necessary; and therefore, I cannot condemn a custom, which appears to be founded upon alterations so highly commendable. At least, I shall not condemn it, till I see it producing effects much worse than any I can at present apprehend from it. It is a sort of mutual complaisance between king and parliament, which, in my opinion, can never produce any bad effect: because it is allowed to be of no such authority, as to influence any of our future proceedings: And as the custom has been now so long established, I think, we cannot alter it, without giving the world cause to think, that we disapprove some part of what his majesty has been pleased to communicate to us in his speech from the throne, which, I am convinced, is not what your lordships intend; because, I think, his majesty has said nothing in his speech but what your lordships must approve. You must approve his majesty's resolving to push the war in the most proper places, and in the most vigorous and effectual manner: You must approve his being resolved not to be diverted or deterred from prosecuting these measures, by the threats or attempts of any power whatsoever; and you must approve his majesty's being resolved to adhere strictly to the engagements he is under, for maintaining the balance and liberties of Europe, on the event of the late emperor's death.

These, my lords, are all of them wise and good resolutions; let them be his majesty's resolutions, as I am convinced they are, or let them be the minister's resolutions, as it is possible they may, they are such as your lordships must approve of. Let them be taken, or not taken, pursued or altered, still they are such as must be approved by every man that wishes well to his country; and as his majesty has mentioned them in his speech, your lordships ought, I think, to testify your approbation of them by mentioning them in your address. If I thought that those concerned in the administration had not come to any such fixed resolutions, notwithstanding what his majesty has said in his speech; or if I thought that any one, who has the honour of being admitted into his majesty's councils, would advise him to alter, or not to pursue these resolutions; so far from its being an argument with me, not to say any thing of them in our address, it would be an argument for our mentioning them in the most particular manner, and approving of them in the most express and peremptory terms that could be invented; and the reason is very plain: If such resolutions are not already taken by every one concerned in the administration, a strong recommendation of them from this assembly would compel

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their being immediately taken: If there were a probability, that some one in his majesty's councils would advise him not to pursue these resolutions, a particular and express recommendation of them from this august assembly would deter the boldest from giving his majesty such pernicious counsel.

This consideration, my lords, is with me a most prevalent one for agreeing to the noble lord's motion. It will enforce those resolutions, which his majesty has been pleased to tell us he has come to. It will shew his ministers what advice they ought to give him, and what advice they must not dare to give him: It will shew our enemies, both secret and revealed, what they must expect; and it will shew our friends, both abroad and at home, what they may hope for from his majesty's arms, not only in the present war, but in any other his majesty may be necessarily engaged in, for preserving the balance and liberties of Europe. These will, I think, be the effects of our agreeing to the noble lord's motion; and as there is nothing in it that implies the least approbation of any past measure, or that can any way prevent our enquiring into past measures, and censuring such of them, as may upon enquiry appear to be wrong, there is not, I think, the least danger in our agreeing to it; but in altering our method of addressing at this critical conjuncture, which will be the consequence of our agreeing to the noble duke's motion, I think there is not only great danger, but some sort of injustice. The noble lords who have argued in favour of the first motion, have said, that we ought not to approve, or to say any thing that may look like an approbation of past measures, without a previous enquiry. I am sure we ought as little to do any thing that may look like a censure of past measures, without a previous enquiry; and as our forsaking a custom that has been so long established, will, in my opinion, look very like a censure of past measures, I shall therefore be against altering our method of addressing, especially as there is nothing now proposed, that can look like an approbation of any past measures, or our consenting to any future measures, but such as must be approved of by every man in the nation.

But suppose, my lords, we were now to alter that method of addressing, which has obtained for so many years: Suppose we were now to return to the ancient method of addressing his majesty in general terms, and without taking the least notice of any thing he has been most graciously pleased to communicate to us in his speech from the throne; yet, even according to this method, I do not think, the noble duke's motion can answer the purpose which every lord, who has spoke in this debate, seems to intend. If we are in our Address to make only some general professions of affection and duty to his majesty, surely those professions ought to be as general and as explicit as possible; which is far from being the case with regard to what the noble duke has been pleased to propose. He has proposed, for us to assure his majesty, that we will stand by him with our lives and fortunes, in the prosecution of the just and necessary war in which he is engaged. Is this, my lords, a general profession of our duty to his majesty? Is it not a limited profession, confined to the prosecution of the present war? Are we not in duty bound to stand by his majesty with our lives and fortunes against all his enemies? Why then should we confine it to his enemies in the present war? This part of the noble duke's motion, I am persuaded, your lordships will agree, stands in need of some amendment, before it can be agreed to, even according to this favourite plan of addressing in general terms; and as to the other part of it, I must think it a sort of deviation from that very plan now so warmly contended for.

My lords, if we are to keep in such general terms, as to say nothing of what has been done, or is to be done, why should we come to be so particular as to what we ourselves are resolved to do? That we are the hereditary great council of the crown, has never, I am sure, of late years, been denied, and therefore I can see no reason for our asserting that character upon the present occasion; but if it were, from any late transaction, become necessary for us to assert this character, I think it would be quite unnecessary and even dangerous to add the words, "To which all other councils are subordinate and accountable." The other House of Parliament has always assumed the character of being one of his majesty's councils, and I believe they will not admit, that they are either subordinate or accountable to this House; therefore, our adding these words would be of the most dangerous consequence, because it would certainly create a breach between the two Houses. We may, if it were necessary, assert our character as hereditary great council of the crown, without adding any

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words that can give offence to the other House; and I hope we shall always exert ourselves in that capacity, as may best tend to the promoting the true interest of our sovereign and country; but why we should begin this session with declaring, in a particular manner, that we will do so, I can see no reason, especially as his majesty has not, in his speech from the throne, made use of any expression that may lead us to the making of such a declaration. From such an extraordinary and unsought declaration, the world would suppose, either that this House had in former sessions been deficient in its duty, or that his majesty's other councils had led him into very destructive measures. The former of these suppositions would, in my opinion, be a very undeserved reflection upon this assembly, and the latter would be such a reflection upon his majesty's conduct, or if your lordships' please, the conduct of his ministers, as I shall not be for giving rise to without some previous enquiry into their conduct.

Thus, my lords, I hope, I have shewn, that the first motion must undergo several amendments, before it can be agreed to; and as the second stands in need of no amendment, as it contains nothing but what we may agree to, and expresses every thing we ought to say upon this occasion, it will be saving your lordships a great deal of trouble and time, to set aside the first motion by the previous question, in order to come at the second, which may be agreed to without any amendment. For this reason, as the previous question must now be put with regard to the first motion, I shall give my negative to it, in order to have an opportunity of giving my affirmative to the next question, which will of course be, to agree to what has been proposed by the noble lord near me; and in both I hope to have the concurrence of the majority of this House.

My lords, I have carefully avoided saying any thing in justification of our late measures, which does not proceed from my being conscious, that any of them were wrong, but from my being convinced, that their justification or condemnation has nothing to do in this debate. The noble lord's motion, in favour of which I have been arguing, has nothing in it relating to any past measure: It may be agreed to by those who condemn, as well as by those who approve of our late measures; and therefore I am surprized to find your lordships' time taken up with long criticisms upon our late conduct. Political measures are of such a nature, that the worst may be justified, the best may be condemned: By which I mean, my lords, that something may be said in justification of the worst, and some ill natured criticisms may be made upon the best public measures that were ever pursued; but I must be of opinion, that in both cases the presumption lies against those, who unseasonably bring the subject before such an assembly; and whether or no the present time be seasonable, I must leave to your lordships to judge. The question now before us does not, I am sure, require any such discussion, nor have we before us the materials proper for such a purpose; and therefore, I think, the presumption at least lies against those who have, some way or other, hooked into this debate a long criticism upon our late conduct.

The Duke of *Argyle*:

My lords; I rise up to explain some things in the motion I took the liberty to make to you, which I find, have been very much mistaken by the noble lords who have spoke against it. I believe no lord doubts of my being for our standing by his majesty with our lives and fortunes, in this or any other war he may be necessarily engaged in. My lords, I am for standing by his majesty against all his enemies, whether they be Spaniards, or French, Irish, Scottish, or English; nay even against those, if there be any such, that are in his privy council. These last have always been found to be the most dangerous enemies to the kings of this country; and against them our sovereign has nothing to depend on, but the wisdom, the honour, and the integrity of this assembly. A king may have ministers and privy counsellors, that, for their own private ends, advise him to pursue such measures, as may end in his destruction. If this should ever happen to be the case, it is then that this House has an opportunity of shewing their duty to their sovereign, by shewing their contempt of his ministers; but if, at such a melancholy conjuncture, there should be a majority in this House so blind as not to perceive the private views of the minister, or so corrupted as to sacrifice the interest of their king and country to the places and pensions, which the minister has to bestow, the sovereign would then have no council bold enough to warn him of his danger, nor the country any assembly that could in a legal way prevent its ruin.

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As to those that are his majesty's declared enemies, he has none, I think, at present, at least none worthy the notice of this House, but the Spaniards; and therefore I thought it was sufficient for us to declare, that we will stand by him in the prosecution of the present war against them, or any that shall take their part; for this is implied in the general declaration I have proposed; but as to his majesty's secret, and the worst of all his bosom enemies, as we are his majesty's great hereditary council, it is our duty to be always upon the watch against them; and I thought it was incumbent upon us, in this time of foreign danger, to assure his majesty, that we would be mindful of our duty in this respect, by exerting ourselves in our high capacity of hereditary great council of the crown, in such a manner as might best tend to the promoting the true interest of his majesty, and our country. Surely, my lords, it will not be supposed, that by the words, "To which all other councils are subordinate and accountable," I meant to include the House of Commons? I do not believe any man in the nation will think so. I meant only to include his majesty's privy council, his cabinet council, or his council of one, if he has any such; and I thought it was necessary to insert these words, to put the members of these councils in mind of their being subordinate and accountable to this assembly; for it is so long since we exerted ourselves in this capacity, it is so long since we had any of these gentlemen under our examination, that, I am afraid, they begin to forget their subordination, I am afraid they begin to think, that we are accountable to them for our behaviour in this assembly, and that they are accountable to none but their master.

Having thus explained my motion, I hope your lordships will think it is no way deficient in those declarations of duty and affection, which we ought upon this occasion to make to his majesty, and that there is no expression in it, that can give a reasonable cause of offence to any assembly, or any man in the nation. And now I am up, I must observe, that the noble lord who spoke last, seems to have very much mistaken what I have said about the custom we have lately fallen into, of being so very particular in our address, as to leave nothing untouched that has been mentioned in his majesty's speech from the throne. I said, there are several persons in the administration, who must remember when this custom was first introduced: When I said so, I did not mean the oldest among them. The custom is far from being coeval with the Revolution: It was not so much as introduced till many years after, and did not become in any sort an established custom, till after I had the honour of a seat in this assembly. It may perhaps be the effect of what has happened since the Revolution: It may be the effect of the many taxes since that time necessarily imposed, and the many posts and places thereby created; but it neither was, nor could be the effect of any of the good alterations in our constitution, that were intended or obtained by the Revolution: It was the effect of what I must now call a blind complaisance for the crown, or rather for the ministers of the crown, and an effect that I have always thought ridiculous. I have often said, both in jest and earnest, as several lords here present can testify, that it is ridiculous in us, without the least previous consideration or enquiry, to repeat and applaud in our address, every thing that a minister may, for that very purpose, contrive to have inserted in his majesty's speech from the throne,

But this custom, it seems, my lords, ridiculous and absurd as it is, we must not alter, lest we should thereby seem, without any proper enquiry, to censure or disapprove the conduct of the administration. Does not every one of your lordships see, that this argument will always be as good against abolishing this ridiculous custom, as it is at present? But this argument is not now, nor ever can be of any weight; for every man in his right wits must suppose, that the alteration in our conduct proceeds from our being convinced, that the custom was bad, and not from our being convinced, that the conduct of the administration has been wrong; and therefore our returning to our ancient method of addressing cannot so much as seem to be a censure or disapprobation of any past measure. Supposing therefore, we had, from all outward appearance, the greatest reason to applaud and extol our late conduct, yet this could be no argument against our forsaking such a ridiculous custom; but when outward appearances operate strongly against the late conduct of our public affairs, when our conduct has become an object of sorrow to our friends, and of mirth to our enemies, then surely it is high time for this House to forsake a custom, that must lead them into a seeming sort of approbation of such a conduct.

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I am not at all surprised to see the noble lords, who argue for the continuance of this custom, avoiding as much as possible any sort of disquisition into our past conduct; but when a seeming sort of approbation is desired, is it unseasonable for this House to enter into that disquisition? Is it not our duty to enquire, whether there is any seeming foundation for that seeming sort of approbation? And may not that enquiry be founded upon outward appearances? This, my lords, is what we are now upon: we are examining our late measures according to outward appearances, and these, I am sure, will afford us a very good foundation for a seeming sort of censure, but not the least foundation for any thing that may look like an approbation. Let us examine our late conduct either in peace or war, and I am sure, according to all outward appearance, we shall find good reason to condemn it in both. Our tedious and perplexed negociations, the Convention in which they were summed up, nay every step taken to prevent a war, was infamous, and tended only to make a war unavoidable at last. The excuse now made for the continuance of these negociations, should make parliaments extremely cautious of being directed by ministers in the drawing up of any of their addresses to the crown. The addresses that were drawn up and presented by parliament upon the repeated complaints of our merchants, were, as every one knows, chiefly penned by our ministers, and now these very addresses are made an excuse for the most dishonourable negociations that ever an unconquered nation submitted to carry on: I say dishonourable, my lords, for it was dishonourable as well as pernicious, to treat with a nation, that would not so much as discontinue her depredations during the time of the treaty. Whilst there were any hopes of success by negociation, whilst the minister could say, there were any hopes (and every one knows he is pretty good at asserting) the parliament was loth to put an end to them by condemning them, lest the minister should have said, that he would have procured satisfaction and security to the nation by peaceable means, if the parliament had not prevented it; but now we may speak freely, and I will say, it was ridiculous to expect either satisfaction or security by fair means from the court of Spain, after their treating us so haughtily in the negociation previous to the treaty of Seville.

From all outward appearance, therefore, we must condemn every step of our late conduct in time of peace; and, I am sure, no man can say we have as yet any reason to approve of our conduct in time of war. I do not, my lords, pretend to know a great deal of the theory of war, but I have learned something from practice; and by the best judgment I can from thence form, I must conclude, that no one reasonable step has been taken for the prosecution of the war, either before or since we began to commit hostilities: this is my opinion, and this opinion I will venture to support against the most learned in the theory of war. The operations of war, my lords, are not like the steps of a negociation: for judging of the former we have no occasion for papers, memorials, or letters. When a war has been carried on for 18 months, without so much as one attempt made for attacking the enemy with vigour and effect, every man may, without diving into secrets, determine whether this has been owing to our own weakness or the strength of the enemy; and if to the former, whether it has been owing to a weakness in the nation, or to a weakness in the counsels of those that conduct the affairs of the nation. Mr. Vernon has demonstrated, that our inactivity cannot be owing to the strength of the enemy; and will any one say, that out of 30,000 men we might not have sent 4 or 5,000 land forces to the West Indies, as soon as we resolved upon hostilities against Spain? With regard therefore to our conduct in the war, I think we have good reasons, founded, not upon outward appearances, but upon certain facts, for testifying our disapprobation of it, or at least for refusing to say any thing in our address, that may look like an approbation; and that the address proposed by the noble lord will imply a sort of approbation, must, I think, appear evident to every one who considers the import of the several paragraphs.

To carry on the war, my lords, in the most proper places, and in the most vigorous and effectual manner, and not to suffer ourselves to be diverted or deterred from those measures, is certainly a sign of great wisdom, and of a strict adherence to the true interest of these kingdoms. But will not our acknowledging, in such a particular manner, the wisdom of such a resolution upon this occasion, be an implication, that in our opinion this maxim has been pursued? And can any man say, that the war has as yet been carried on vigorously

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in any place? Can we say, that our ministers have not suffered themselves to be diverted or deterred, when they themselves acknowledge, that they have been diverted from sending proper supplies to the West Indies, by the ridiculous apprehensions of our being invaded at home? Is not this the very reason they assign for not sending 4 or 5,000 of our regular veteran troops to the West Indies, at the beginning of the war? My lords, if your lordships think fit, I shall be, with all my heart, for acknowledging the wisdom of this maxim or resolution; but then, to prevent the implication I have mentioned, I shall be for concluding the paragraph with saying, that we are sorry this resolution was not taken and vigorously pursued, from the first moment we resolved upon hostilities against Spain.

As for the next paragraph, my lords, I must join with a noble lord, who has honoured my motion with his approbation: I say, I must join with him in thinking, that it looks very much like swaggering. This nation, my lords, has not, thank God! from its former behaviour, (at least from its behaviour before our present excellent minister got the reins of government solely into his hands) the least occasion to boast of what it will do. I believe no court in Europe doubts of the nation's being ready to vindicate its honour against whosoever shall dare to attempt to prescribe limits to our arms in such a just and necessary war; but, I believe, every court of Europe supposes our ministers will not; therefore, such words as these may be natural for them, though not at all for the nation. But, alas! these hectoring words cannot now do them any service: they have so often already made preparations, and fitted out squadrons, which have afterwards appeared to be nothing but bravado, that their threatenings will now signify nothing. Therefore, I am against this paragraph; first, because it is not the natural language of the nation; and next, because the world will from thence suppose, that our Address has been dictated by the minister, which can never be any honour to this House, and less at this time, than at any former period I can think of.

The following paragraph, my lords, is liable to the same objection with the first: it will imply an approbation of our past conduct, with regard to the balance and liberties of Europe: the world will from thence suppose this House to be of opinion, that our ministers have strictly adhered to the engagements the nation is under for maintaining the balance and liberties of Europe, which, I think, is very far from being the case. I shall most readily join in supporting his majesty, and enabling him to adhere to the engagements he is under, when I know what those engagements are, and that they are proper for maintaining the balance and liberties of Europe; but, I think, we ought not in our Address to mention engagements, till we know what those engagements are; nor can we, I think, mention our minister's future adhering to the engagements the nation is under, for maintaining the balance and liberties of Europe, without, at the same time, complaining, that he has not in time past adhered so strictly to them, as he ought to have done. Therefore, if your lordships are for retaining this paragraph, I hope you will conclude it with such a complaint as I have mentioned, in order to prevent the world's being imposed on by an implication of what I cannot suppose to be your opinion: at least, if it is, I am sure you differ from what is the opinion of the majority of this nation, and of every court in Europe.

The last paragraph, my lords, at least the latter part of it, I cannot but look on as a little mean. It puts me in mind of what is said of our enemies the Spaniards: in the time of a storm, instead of running aloft to take care of the ship, their seamen all run below to pray for a deliverance. We have now more occasion for acting than wishing; and if we do not now begin to act, if we do not now begin to exert ourselves in our high capacity of hereditary great council of the crown, I may, without a spirit of prophecy, foretel, that neither the honour of the crown, nor the rights of the people will be maintained with vigour or success: I do not know, but that both may be sacrificed to that pusillanimous ministerial spirit, to which the trade and navigation of this kingdom, and the balance and liberties of Europe, have in my opinion, been sacrificed for too great a number of years.

Having thus explained the motion I took the liberty to make, and shewn some of my objections to the other, I must conclude with insisting upon my motion. Your lordships may amend it if you please: I shall readily submit any thing I propose to the correction of this august assembly; but I still think it ought to be made the ground-work of our present address.

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The *Lord Chancellor:*

My lords; having before given your lordships my opinion, only as to the method of proceeding in the case now before you, I shall now beg leave to speak to the merits. As the present custom of taking particular notice in our address, of every thing mentioned to us by his majesty in his speech from the throne, has always been objected to, and has often become the subject of a debate in this House, I have been at some pains to enquire when it first began, and why it was introduced. I find, my lords, that this custom first began to be introduced in the reign of the late queen Anne, and in the administration of the late duke of Marlborough and earl of Godolphin: these two will, I believe, be allowed to have been as great men, and as successful ministers, as ever this nation was blessed with. I cannot think your lordships will easily suppose, that either of them would have given countenance to any thing that was inconsistent with the public good, or with the honour and dignity of this House; and the time when this custom first began to be introduced, may point out to us the reason why it was introduced. At the beginning of the late war, we first began to return a particular answer in our address, to every thing that had been mentioned from the throne; and the reason of our doing so was, without doubt, to shew the powers abroad, as soon as possible, that there was a good harmony subsisting between her majesty and her parliament: that the parliament approved in general of the measures pursued by the administration; and that the parliament would support their sovereign in all the engagements she had entered, or might enter into, for carrying on the just and necessary war in which she was then engaged.

This, my lords, I think, appears evidently to have been the reason for introducing this custom; and was this reason ever stronger than it is at present? Was there ever a time, when it was more necessary for a British parliament to strengthen the hands of their sovereign, both by their actions and their declarations? My lords, not only the balance and liberties of Europe, but our success in the present war, must depend upon the weight his majesty's councils may have at present with the several courts of Europe: and can any thing add to this weight so much as a prevailing opinion abroad, that there subsists an entire harmony between his majesty and his parliament; that his people place an entire confidence in his wisdom and conduct; and that the whole power of the British nation will be applied as he shall think fit to direct it? We ought therefore to take the first opportunity of demonstrating to the world, not only our affection and duty to his majesty, but our reliance upon him, and our readiness to support him in whatever he may think necessary, either for the prosecution of the present war, or for the defence and establishment of the balance and liberties of Europe. For this reason, if the address proposed by the noble lord were warranted by no precedent; if no such custom, as we are now desired to alter, had ever been introduced, I should have been for introducing it upon this occasion, by agreeing to the noble lord's motion.

But, my lords, when I consider, that this custom has prevailed, and been generally observed, for near forty years, I am really surprized, an alteration should be attempted at such a critical and important juncture. When we are engaged in a war of such consequence to our trade and navigation; when the liberties of Europe lie, I may say expiring at the feet of this nation, and expecting our helping hand to raise them up; when most of the states in Europe seem to be in a sort of doubt, whether they shall bravely stand up in defence of their liberties, or tamely submit to that power, which they find they cannot, without his majesty's help, resist; shall we, by an unnecessary and ill-timed alteration in our conduct, give them cause to expect an approaching breach between his majesty and his parliament; and that therefore, instead of assisting them, it will be difficult for him to support himself? This, my lords, would be such an imprudent, such a fatal mistake, that I am surprized to hear it proposed, and much more to find it insisted on.

Having thus, my lords, shewn how dangerous it would be to alter our customary method of addressing, I shall next beg leave to examine and compare the two motions now before us. The first motion, I shall allow, is strong, nervous, and expressive, and worthy of the noble duke by whom it was proposed; but yet I must be of opinion, that it contains both too much and too little. I shall grant, that most of the councils in this nation are subordinate and accountable to this august assembly; but I think it is too much to say, that all other councils are subordinate and ac-

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countable to this. I shall likewise grant, my lords, that from some of our old histories and law-books it appears, that this House has been in former times summoned to meet by itself, in order to give their counsel and advice to their sovereign in affairs of great importance, and such as required immediate dispatch; and that when it met upon such occasions, it is generally in our old books called the great council; from whence, I suppose, the noble duke took occasion to call this assembly the hereditary great council of the crown: This may be a proper appellation; but we should be extremely cautious of asserting, that all other councils are subordinate and accountable to this assembly. We know how jealous the other House is of its privileges and immunities: From thence we may with certainty suppose, that if any such words were inserted in our Address, the other House would immediately appoint a committee to inspect our journals, and upon the report of that committee, would insist upon our explaining ourselves, and declaring, that we did not thereby mean to arrogate any power or jurisdiction over them. I believe your lordships would not like to come to any such explanation; and if you did not, it might occasion such a breach between the two Houses, as would put a full stop to all public business, which would certainly, at this critical conjuncture, be attended with the most fatal consequences. Therefore, I hope your lordships will join with me in opinion, that the first motion contains too much: and that it contains too little, is still, I think, more evident.

The noble duke, indeed, proposes, that we should promise to support his majesty in the present war; but is this, my lords, enough, considering the present circumstances of Europe? His motion says nothing of the pragmatic sanction; it says nothing of any other war his majesty may be engaged in, for supporting the balance and liberties of Europe. Is it not possible, is it not probable, that his majesty may be engaged in another war on this account, more general, more burdensome, and more dangerous than the present? Such a war I really take to be unavoidable, unless his majesty can form such a confederacy upon the continent, as will make it dangerous for any power in Europe to disturb the tranquillity thereof, by forcibly interposing in the election of an emperor, or by forcibly attempting to violate the pragmatic sanction. And as nothing can contribute more towards enabling his majesty to form such a confederacy upon the continent, than a declaration from the British parliament, that they will enable him to make good all the engagements he has, or may enter into for that purpose, it would be very imprudent in us to neglect this opportunity of making such a declaration; from whence it is evident, that the first motion contains too little.

On the other hand, my lords, the second motion is, in my opinion, without fault, without any reasonable objection: It acknowledges the wisdom of those resolutions, which every one of your lordships have applauded, which every man must in his heart applaud; it gives his majesty those assurances, both with respect to the present war, and any other war his majesty may be engaged in, for maintaining the balance and liberties of Europe, which, I think, are absolutely necessary upon the present occasion: It expresses our affection to his majesty's person and government, and our wishes for his success, in as strong, and, I think, as laconic terms as can be contrived; and it contains nothing that can give offence, either to the other House, or to any man in the kingdom. As to the late conduct of our ministers, let it be as bad as can be imagined, there is nothing in this motion, that can bar an enquiry, or prevent a censure: There is not the least mention made of any late measure, nor so much as a reference to any part of our past conduct; and as for the implications the noble duke has been pleased to suppose, I cannot think there is the least ground to apprehend, that any such will be made, either abroad or at home. Surely, from our acknowledging the wisdom of a resolution, no man will conclude, that we think it has been already pursued: On the contrary, it is forestalling, if I may so express myself, the judgment of this House, and previously censuring the conduct of our ministers, if upon enquiry it should appear, that this resolution was not taken as soon, and pursued as vigorously, as our circumstances would admit.

The objection made to the next paragraph of the noble lord's motion must appear very extraordinary, to one who considers what has been actually done by a neighbouring power. When I say this, my lords, every one that hears me, must suppose, I mean the French: they have lately sent two squadrons to the West-Indies, without any apparent reason for

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so doing: no man, I believe, supposes they would have put themselves to this expence for nothing; or that it was done merely with a design to exercise their seamen. I shall not so much as pretend to guess what was their design; but it is highly probable, either that they designed to join openly with our enemies against us, if they found an opportunity by so doing, to do us a mischief, or that they intended, by sending these squadrons thither, to bully and frighten us from prosecuting the war properly and vigorously in that part of the world; and in either case, can we be said to boast or hector, when we assure his majesty, that we will stand by and support him against any power that shall attempt to prescribe or limit the operations of the war against his and our enemies? Does not such a declaration naturally arise from the circumstance I have mentioned? As this circumstance is known to the whole world, would not our neglecting to make such a declaration, especially as his majesty has mentioned it in his speech, betray a sort of fear, which might be of the most dangerous consequence in the present situation, not only of this nation, but of Europe in general?

With regard to the engagements this nation may be under, for maintaining the balance and liberties of Europe, I do not know, my lords, that any of them have been of late years neglected; but supposing they have, it can be no objection to what the noble lord has proposed on that head: We are not thereby to affirm, that they have been strictly adhered to, nor can any such thing be implied from what he proposes. We may hereafter enquire into this affair, we may censure, we may punish, notwithstanding any thing contained in the address he proposes. If there has been any neglect, our declaring, that we will stand by and support his majesty in all such engagements, will prevent the like in time to come; and the death of the late emperor renders it necessary for us to make such a declaration, as soon as possible, in order to confirm the resolutions of those, who are naturally friends to the liberties of Europe, and to obviate the designs of those, whose continual aim has, for many years, been to overturn them.

As to the objection made to the last paragraph of the noble lord's motion, I cannot think the noble duke was serious when he made it. Our wishing can neither prevent nor interrupt our acting: Therefore, your lordships may this day wish success to his majesty's enterprizes, and to morrow, or at the same time, if you please, you may begin to contribute by your actions towards rendering them successful. In my opinion, the best thing you can do, is to convince the world, that there is a perfect harmony subsisting between his majesty and his parliament; that the British nation will concur with his majesty in a vigorous prosecution, not only of the present war, but of any other war his majesty may be necessarily engaged in, for maintaining the balance and liberties of Europe; and that we will carefully avoid every thing, that may occasion any division, heat or animosity amongst ourselves: These will, I think, be the effects of our agreeing to the second motion: and as the contrary will, in my opinion, be the effects of our agreeing to the first, therefore I shall be for setting it aside, by means of the previous question, in order that we may agree to the second motion.

Lord *Carteret:*

My lords; I beg pardon for troubling your lordships a second time upon this occasion: I now rise up only to explain some things I said before, and to endeavour to set your lordships right, as to some facts that seem to be contested, or rather misunderstood. The custom of returning a particular answer in our address, to every thing mentioned in the speech from the throne, I shall admit was first introduced in the administration of the duke of Marlborough and earl of Godolphin; and from this instance we may see, how cautious we ought to be of introducing any custom under a good administration, that ought not to be followed under a bad: But this custom was not introduced at the very beginning of that administration, or at the beginning of the war; and therefore the cause of its being introduced may be, and was, I believe, very different from what the noble lord who spoke last has been pleased to represent. If ever there was occasion to testify a perfect harmony between the sovereign and the parliament, by a long particular address at the beginning of the session, it was upon the accession of the late queen, or at the beginning of the first parliament after her accession, and yet upon both these occasions, we find the address of this House was very short and very general; therefore, it is plain, we must look for another reason for this custom; and if we attend to the many glorious victories and repeated successes

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this nation was blessed with, under that wise and vigorous administration, we may easily find it.

The true reason, my lords, was, we were so very much elated with the success of our arms, and with the trophies which every succeeding campaign added to those of the former, that we went a little too far in shewing our gratitude and complaisance to that brave general, who conducted our armies abroad, and that consummate statesman, who seconded his endeavours by a most prudent conduct of our affairs at home. By this means, we introduced the custom of making every year an express or implied panegyric upon the conduct of our ministers, by way of address of thanks for the sovereign's most gracious speech from the throne, without foreseeing, that every future administration would claim the same complaisance, though not at all deserving of the same gratitude. That administration, my lords, had some reason, from their continual flow of success, to expect a sort of implicit faith, or blind complaisance from parliament. They deserved our confidence, because they had the confidence of all our friends and allies, and were the terror of our enemies. But where are the victories, where are the trophies our present minister has to boast of? Can we trust to the conduct of a minister, who, by his own confession, has stript us of every ally? Can we put confidence in a man, who, by misconducting our affairs, has rendered us the pity of our friends, and the contempt of our enemies.

Thus your lordships must see, that what was the true reason for introducing this custom, is now very far from being a reason for continuing it. I shall grant, my lords, that a perfect harmony between king and parliament has always hitherto given weight to the king's counsels abroad; but from whence did this proceed? It proceeded from the parliament's speaking the language of the people; for if ever a parliament, by corruption or any other means, should begin to speak the language of ministers, without regard to the sentiments of the people, a good harmony between king and parliament will then have no authority at home, and consequently can have no more effect abroad, than a good harmony between the king and his ministers, I was going to say his footmen; for a minister that is hated by the people, is in a more precarious situation, and must be more dependent than any of the king's footmen. Let us then consider what is the language of the people. A parliament, may force a change of ministers, but it cannot force a change of sentiments among the people: all the compliments we can make, will never prevail with the people to put a confidence in a minister they hate and despise; such compliments will only involve us in his ignominy, and likewise, I must think, in his guilt. If we consider this, my lords, we shall begin this session with an enquiry into the late conduct of our public affairs: and if we have a mind to do this, surely we should avoid saying any thing in our address, that may, by any sort of implication, look like an approbation of that conduct we may, perhaps, in a week or two, find it necessary to censure. To applaud and censure in the same session, would be such an inconsistency in the behaviour of this House, as would destroy that character, which we must preserve among the people, if we have a mind to be serviceable to our sovereign or useful to our country.

My lords, we must enquire; the whole kingdom expects it at our hands; if we do not, there will be ugly insinuations made against the dignity and honour of this House, both at home and abroad. For this very reason we ought to agree to the noble duke's motion, in order to satisfy the people, as soon as possible, that in this session we will do our duty: it is a duty we owe to our sovereign, as well as his people. If this proposition is refused, or set aside by the previous question, I shall look upon it as a refusal of any enquiry, and therefore I must in my own vindication protest. In the glorious and successful administration that has been mentioned, though the ministers were willing, as all ministers are, to accept of all the panegyrics the parliament was willing to bestow, yet, being conscious of their own innocence, they were too wise to oppose or endeavour to evade an enquiry. There was then no mutual compact between a minister and his tools, to protect one another against an impartial parliamentary enquiry; and, therefore, in the year 1707, when a complaint was brought into this House against the Admiralty, and an enquiry into the conduct of that board moved for, though prince George himself was then at the head of the Admiralty, yet the ministers were so far from opposing, that they promoted an enquiry. A committee was accordingly appointed, and a strict enquiry carried on, whereupon it was found, that the prince's council had been

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guilty of great neglects, with regard to the appointing of cruizers and convoys for protecting our trade; for which, and for several other neglects and misdemeanors alledged against them, they were removed from that board, without so much as an attempt made by the ministers, either to screen them from being found guilty, or to protect them after they were.

This, my lords, was the conduct of those two wise and great ministers, the duke of Marlborough and earl of Godolphin: they were not only wise, but they were innocent; for if they had not, if they had been concerned with their underlings in any dirty jobs, or if their underlings had been privy to any of their dirty jobs, they must have protected them. To a minister conscious of his guilt, the very mention of an enquiry is frightful: let it begin where it will, he is afraid of its coming to him at last; therefore, when there arises a general discontent in the nation, it is no presumption in favour of a prime minister, if he makes use of all his authority in parliament to prevent an enquiry into the causes of that discontent. Popular discontents can never arise without some foundation: they are often occasioned by the misconduct or avarice of underlings; but if the chief has really no share in the guilt, he will be for a strict enquiry, that his own conduct may be justified, and the blame laid on those that deserve it.

We must not only enquire into our past conduct, my lords, but we must consider our future conduct, in order to give his majesty such advice as may be proper at this critical and important conjuncture. I have not learned from old books, but in this House I have learned, from as able judges as ever sat here; from my lord Halifax, my lord Somers, my lord Cowper, I have learned that we sit here in three capacities: we sit here as a legislative council, as a jurisdictive council, and as the great council of state. In this last capacity we ought to give our advice to our sovereign upon all important occasions; and for this purpose we ought to enquire into, and be made acquainted with the state of our public affairs. Our exerting ourselves in this capacity will add weight to all his majesty's measures. If other councils have brought our conduct into disrepute, this House's interposing will retrieve our credit. All Europe knows what we ought and can do; if we have not done it, the interposition of this House will convince the powers abroad, that we shall now begin to do what we ought. Whereas, if we continue to applaud and put an entire confidence in a minister, whose conduct they can put no confidence in, they will expect on our part, the same pusillanimous and unsteady conduct in time to come, which they have experienced in time past; and this will prevent their entering into engagements with his majesty, or giving ear to any thing he may propose.

My lords, we have in this debate heard a great deal of a perfect harmony between the king and his parliament, and the good effects it may produce; but if those lords would speak their mind plainly, I believe they mean a perfect harmony between the king's ministers and his parliament, and this can at present, in my opinion, produce no good effect, because there appears to be no good harmony between them and the king's people, nor between them and those powers upon the continent, who are the king's proper and natural allies. I should be glad to know, how our enquiring into, or censuring the conduct of a minister, can interrupt the harmony between the king and his parliament: I know it has done so in former reigns, when the king attempted to screen a guilty minister from the justice of parliament; but surely none of your lordships will suppose any such thing of his present majesty; therefore our censuring, and much less our refusing to approve the conduct of any minister, can no way interrupt that harmony, which subsists, and, I hope, will always subsist between his present majesty and his parliament. On the contrary, it will establish and confirm that harmony, which now subsists between his majesty and his parliament, and it will restore that confidence, which we ought to preserve amongst those who are our natural allies: therefore, if there were no other reason for our altering the method of addressing we have of late years fallen into, I should be for it on this occasion, in order to convince the powers abroad, that this House will not be directed or dictated to by a minister, whose conduct they think they have sufficient cause to mistrust; and this of itself is a most prevalent reason with me for agreeing to the noble duke's motion, because I am well assured, it was neither directed nor dictated by the minister.

As for the other motion, my lords, it has so much of the ministerial turn in it, that I very much suspect some minister had a hand in drawing it up: and I am very much surprized to hear the learned

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lord that spoke last, whose knowledge in the doctrine of innuendoes is not to be questioned: I say, I am surprized to hear him aver, that it does not so much as imply an approbation of the minister's conduct. We are to acknowledge the wisdom of the minister's resolution to prosecute the war in the most proper places, and in the most vigorous and effectual manner: innuendo, That he has actually taken such a resolution, that he has taken it as soon as the circumstances of our affairs would permit, and that he will prosecute it with effect. We are to acknowledge the wisdom of his resolving not to be diverted or deterred from pursuing those measures: innuendo, That he has not hitherto allowed himself to be diverted or deterred. We are to declare, that we will support him in adhering to the engagements he has entered into, for maintaining the balance and liberties of Europe: innuendo, That he has never entered into any engagements, but such as were proper for this purpose, and that he has honourably hitherto adhered to all those engagements. These innuendoes are so obvious, that I am persuaded they will be laid hold of by the minister's friends, at least without doors, for silencing all those that complain of his conduct; and as I am very far from being convinced of the truth of any one of them, I cannot agree to an address, that will admit of such innuendoes.

With regard to the French squadrons sailing to the West Indies, it has, my lords, been already observed, that we have no parliamentary knowledge of the fact; but if we had, his majesty has already most wisely taken the proper notice of that incident, by sending a squadron thither, sufficient for preventing their being able to limit his operations of war; which, I am sure, will have a much greater effect, than any words we can make use of.

From all which, my lords, it is evident, that the second motion, as the learned lord observed of the first, contains too much; and, I think, it is as plain, that it contains too little; for it says nothing of our designing to enter upon any enquiry, or to give any advice to his majesty, which is a declaration I think most necessary to be made upon this occasion, in order to quiet the minds of the people, and to regain the confidence of our friends upon the continent. This defect I am not, indeed, much surprized at; but there is another, which I am surprized the minister, or any friend of the minister, should have overlooked. I mean, that of not congratulating his majesty on his safe return to his regal dominions: this is really a defect in good manners, as well as in the regard we ought to shew to our sovereign; and it is the more enormous, considering the good effects the whole nation felt from his safe return. During his absence, our warlike operations seemed to be at a stand, or rather we seemed to be in suspence, whether we should prosecute the war or no; but immediately after his return, that fleet which had lain so long upon our coast, at a great expence to the nation, sometimes for want of a fair wind, sometimes for want of proper provisions, and sometimes for want of sailing orders, proceeded upon its intended voyage to the West Indies; where, I am convinced, it will be made a proper use of by the admiral we have there, if he be laid under no check, that may limit or disappoint his honest and brave intentions.

Lord *Hervey:*

My lords; as I cannot propose to say much more, or better than what has been said by other lords, who have spoke before me in this debate, I shall trouble your lordships with only a few observations upon the two motions. Among others, there is this difference between the two, that the first is found fault with, and several amendments offered to it, even by those lords who have spoke in its favour; whereas no objection has been made to the second by any one lord, who has spoke in its favour; therefore, I think your lordships, in order to save time, had better chuse the second motion, which may be agreed to without amendment, than to chuse the first, which, it is confessed by both sides, cannot be agreed to without several amendments. As to the objection made to the second motion, that it implies an approbation of the conduct of the ministers, I do not think there is the least foundation for it; and this, I think, every one of your lordships may convince himself of, by supposing the House entered into an enquiry, and considering whether he would think himself tied up from censuring our late conduct, by any words contained in the Address proposed by the second motion. For my own part, I am sure I should not, and therefore I shall first be for agreeing to this motion, and then, if your lordships please, I shall be for entering upon an enquiry into any part of our late conduct, and

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shall think myself as free to censure, if I think it ought to be censured, as any lord that opposed this motion.

The second motion therefore, my lords, if we chuse it, can give us no trouble, nor take up much of our time; whereas, if we chuse the first, if we do not set it aside by the previous question, before we can agree to it, we must set about amending it: about these amendments we may have new debates, which will take up a great deal of time, and must of course give us a great deal of trouble; for surely your lordships would not agree to the first motion, till after you had some way altered the words, "To which all other councils are subordinate and accountable;" beeause these words would, in my opinion, necessarily breed a quarrel between the two Houses. I am very well convinced, the noble duke did not mean to include the other House under these general words; but, my lords, we must not consider what his meaning was, or what sense we think ought to be put upon them; we must consider what the other House will think of them; and their jealousy will, I am persuaded, suggest to them, that we meant by these words, to lay a precedent for establishing some sort of jurisdiction over their assembly; therefore your lordships must expect, they will not patiently bear with your making use of such a general expression.

But this is not the only amendment we must make to the first motion. Those who have spoke in its favour have allowed, that it is defective, with regard to the present circumstances of Europe, and the war his majesty may possibly be engaged in on that account; therefore we must here likewise make some amendments; and perhaps others may occur, when we come to consider it more narrowly. In short, my lords, I am quite indifferent, which of the motions you agree to, provided the first, if you chuse it, be properly amended before you agree to it; but as our chusing the second will save a great deal of trouble and time, therefore I shall be for setting the first aside, by means of the previous question, in order to come at the second.

Lord *Bathurst*:

My lords; the noble lord who spoke last, has observed a difference between the two motions, which, in my opinion, is rather a difference between the speakers of one side, and the speakers of the other, than a difference between the motions themselves. I shall grant, that those who have spoke for, or seem to favour the second motion, are more unanimous, as they generally are, amongst themselves, than those who have spoke for, or seem to favour the first; but this is no argument for the second motion's being better, or more correct than the first; because those that are in the wrong may be, and often are, more unanimous than those that are in the right. The second motion, therefore, can claim no preference from the unanimity of its advocates; but I will observe to your lordships a real difference between the two motions, and a difference, which demonstrably gives the preference to the first.

The difference, my lords, is this: the second motion is so bad, that objections have been made to every paragraph of it except the first, which thanks his majesty for his Speech from the throne; whereas the first motion has in the main been applauded, even by those who have spoke against it; and no objection made, but only to a few ugly words in one place, and the want of a few pretty words in another; therefore it is evident, the first motion is in the main better than the second. Now, if I add the pretty words desired, and leave out the ugly words objected to, I am persuaded the noble duke will agree to what I propose, and then I hope we shall unanimously agree to his motion; which unanimity will be an advantage, as has been acknowledged, and seems to be desired, by those who have spoke upon the other side of the question.

I shall therefore, my lords, propose to add, at the end of the second paragraph of the noble duke's motion, these words, "Or in any other war in which he may be necessarily engaged, for maintaining the balance and liberties of Europe, on the event of the late emperor's death." This will obviate the objection of the motion's containing too little; and as to the objection of its containing too much, the only words found fault with are these, "To which all other councils are subordinate and accountable;" which words, as they stand in a parenthesis, I propose, shall be entirely left out. Thus, my lords, I think, I have obviated every objection that has been made to this motion; and therefore, unless your lordships have something else in view, than merely to acknowledge your loyalty and fidelity to his majesty, I hope you will unanimously agree to this motion thus amended.

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By this your lordships will save a great deal of trouble and time; for if you should set aside this motion by means of the previous question, you cannot suppose, that the second motion, after so many and such strong objections have been made to it, will be agreed to without some amendments being offered, which will of course introduce a new debate. Nay, I do not think, that those who are its greatest advocates, can agree to it, without inserting some words for congratulating his majesty upon his safe return to his regal dominions.

Lord *Gower:*

My lords; as I have carefully attended to this debate, and in particular to the objections that have been made to the noble duke's motion, I think, as it is now amended, the objections are all removed; and, therefore, if your lordships do not now agree to it, I shall think you have some secret reason, which has not been yet expressed, and from hence I shall suspect, that some of your lordships not only look upon the address proposed by the noble lord, as an approbation of the minister's conduct, but that you intend it as such, and as a bar to any future enquiry or censure. And indeed, as all speeches from the throne are supposed, in this House, to be the speech of the minister, and as, consequently, our address by way of answer to that speech, must be considered as an answer to the minister, I must think, it would not shew a thorough consistency in our behaviour, to censure or punish a minister, after having returned him such a pretty, smooth answer in the beginning of the session. The noble duke's motion looks something like what the minister may expect, and I am sure, what we ought to make him expect from this assembly; therefore, if that motion be thrown out by a majority, I shall expect, and the whole nation with me will expect, that the same majority will throw out every thing that can be offered towards an enquiry; and how dangerous this may be, at this juncture, I shall leave to your lordships to judge; for a good harmony between the king and parliament will signify but little, if it be known abroad, as it will be, that the people are generally discontented, that the parliament speaks nothing but the language of the minister, and that their speaking such language has raised the discontents of the people almost to madness.

My lords, I attended with the more care to the objections made to the noble duke's motion, because, when I first heard it, I was so well pleased with it, that I thought no exception could be reasonably taken to any part of it; and I must say, I am still of the same opinion. However, for the sake of unanimity, I approve of the amendments my noble friend has proposed; but I was surprised to hear it so much as supposed, that the other House would find fault with our saying, "That all other councils are subordinate and accountable to this;" or that they would imagine themselves included in these general words. I never heard of the other House's being called a council, either in our old books or our new, or by any man in the kingdom that understood what he said. The other House is one of the branches of our legislature: they are the great inquest of the nation; and as such, they are accountable to none; but I never heard, that they were called, or that they called themselves a council; and therefore, should we make use of this expression, I am convinced the other House would take no notice of it; unless we suppose them under the direction of a minister, and in that case, indeed, if he perceived this House inclined to make a strict and impartial enquiry into his conduct, he might, and probably would, prevail with the other House to lay hold of any handle for putting a stop to that enquiry; but as even this danger is removed, by leaving out the words objected to, and as the defect complained of is removed by the words my noble friend has added, I can now see no reason for our not agreeing with the noble duke's motion, unless it be, because we are very sure it was not dictated by the minister, which with me is a strong reason for approving it.

The previous question being then put, it passed in the negative; Contents 38. Not Contents 66. By which the motion made by the duke of Argyle was set aside: whereupon the question was of course proposed, to agree to the motion made by lord Holderness; and upon this, the earl of Abingdon stood up, and moved, by way of Amendment, to insert in that motion immediately before the last paragraph, these words, viz. "And as a further proof of our duty and affection to his majesty's sacred person, royal family, and government, to assure him, that we will exert ourselves in our high capacity of hereditary great council of the crown, in such a manner as may best tend to the promoting the true interest of his majesty and

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our country, in this critical conjuncture." But this motion being disagreed to without any debate, the motion made by the lord Holderness was agreed to without amendment.

Protests on rejecting the Address proposed by the Duke of Argyle.] On which occasion was entered the following Protests:

"*Dissentient.* Macclesfield.

1. "Because we conceive, that a motion of this nature ought not to have been laid aside by the previous question: but we apprehend it would have been more consistent with the honour and dignity of this House to have passed it in the affirmative, since it contained the strongest assurances of our duty to his majesty, and of our zeal to support him with our lives and fortunes in the prosecution of this just and necessary war; moreover, it had been universally allowed in the debate, that the ancient usage of this House was to return immediately a general address of thanks only for the speech from the throne, and to appoint a future day for taking the said speech into consideration: By which wise method of proceeding, this House had an opportunity of forming their judgment and offering their advice to the crown, upon the several matters contained in the speech, after due enquiry and mature deliberation.

2. "Because, though the Speech from the throne is in parliament justly considered as the act of his ministers, yet a motion pre-concerted, if not drawn by themselves, echoing back the particulars of the speech, is, as we conceive, a modern expedient to procure a precipitate approbation of measures which might not be approved upon better consideration. It was indeed alledged in the debate, in support of this practice, that it was introduced during the late war, in the administration of the late earl of Godolphin; but we should also consider the reason of it, (we heartily wish we had now the same) that the zeal of the House was then every year animated by the glorious successes of the queen's arms under the command of the duke of Marlborough. And though it is always admitted that these hasty addresses do not preclude the House from future enquiries or censures; yet should censures, in consequence of such enquiries, become necessary, they would produce an inconsistency between the first address and the subsequent resolutions, and argue a levity highly unbecoming the wisdom and dignity of this House.

3. "Because one part of this motion, the congratulation upon his majesty's safe return to his regal dominions, could be liable to no objection, but seemed at this time peculiarly seasonable, since it was evident to the whole kingdom, the sailing of the fleet, which had been delayed so long, was the immediate effect of his happy return.

4. "Because we conceive, that our assuring his majesty that we would exert ourselves in our high capacity of hereditary great council of the crown, would have given encouragement to his allies, confidence to his armies, and satisfaction to his subjects, especially in this critical conjuncture, wherein the advice of this House is more than ever necessary, since by the inaction of this last year in all parts (except wherein admiral Vernon commanded) notwithstanding the vast fleets and armies maintained at so immense a charge, this just and necessary war seems hitherto to have been carried on by the same spirit and advice which so long delayed the entering into it; and we conceive that the strictest enquiries into such conduct are the most probable means of redressing our grievances at home, and bringing the war abroad to a speedy and happy conclusion.—*(Signed,)* Buccleugh, Stanhope, Halifax, Chesterfield, Bridgewater, Winchelsea and Nottingham, Beaufort, Litchfield, Talbot, Willoughby de Brook, Greenwich, Carteret, Shaftsbury, Clifton, Haversham, Carlisle, Denbigh, Bathurst, Craven, Thanet, Gower, Aylesford."

Then it was proposed to insert in the second stated question, immediately before the last paragraph, the words of the first question, except those in the parenthesis, viz. "To which all other councils are subordinate ard accountable." Which being objected to, the question was put, Whether those words shall be inserted. It was resolved in the negative. Content 35. Not Content 62.

"Dissentient.

"Because when these words made part of the question first moved, they were allowed by every lord, who spoke in the debate, to be proper and unexceptionable, and the following parenthesis only ("To which all other councils are subordinate and accountable") was objected to, as

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liable to a misconstruction in another House; we cannot therefore but be surprized, that when this question, freed from that shadow of an objection, (as we conceive) was offered as an amendment to the motion for an Address, it should have been rejected; and the more so, since the negative passed upon it may be construed to imply, what we are persuaded no lord in this House can intend, (whatever others may wish) "a resolution not to enquire, advise, or censure, even though just suspicions, imprudent councils, or criminal measures should require it." Subscribed, &c. as before.

The Lords' Address of Thanks.] The Address was as follows:

"Most gracious Sovereign;

"We your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your majesty our humble thanks for your most gracious Speech from the throne.

"The resolution which your majesty is pleased to express, for carrying on this just and necessary war, in the most proper places, and in the most vigorous and effectual manner, is so agreeable to your royal wisdom, as well as to the united desires of your people, that it fills our hearts with the most grateful sentiments. As the West-Indies has been the scene of the most outrageous depredations and violences, committed by the Spaniards upon your majesty's subjects; we hope and trust, that, by the blessing of God on your majesty's councils and arms, this nation will, in those parts more especially, obtain that just satisfaction for past injuries, and effectual security for their navigation and commerce for the future, which have hitherto been refused, contrary to the faith of the most solemn treaties.

"We must ever acknowledge it, amongst the many instances of your majesty's firmness, and true greatness of mind, that you have not suffered any incidents whatsoever to divert or deter you from these measures: And we doubt not but your enemies will soon be convinced, that the security of your majesty's government at home must be strengthened in the affections and support of your people; whilst your squadrons are sent to distant parts of the world, as well for maintaining their undoubted rights and interests, as the honour of your imperial crown.

"Under this deep sense of our obligations to your majesty, permit us to offer at your royal feet the strongest assurances, that if any other power should attempt to prescribe or limit the operations of the war against your declared enemies; such an extraordinary proceeding would not fail to create in us the highest and most becoming indignation, and to determine us to concur in all proper measures, for vindicating and defending your majesty's dignity and honour against any insults, and for frustrating any designs formed against us.

"We are truly sensible, that the death of the late emperor is an event, which calls for the vigilant attention of all those who sincerely wish well to the common safety and tranquillity; and we beg leave to assure your majesty, that we will zealously stand by and support you, in adhering to the engagements you are under, for maintaining the balance and liberties of Europe on that important occasion, as well as in the vigorous prosecution of the present war.

"To repeat the unfeigned professions, that we have so often made, of our unalterable fidelity and affection to your majesty's most sacred person and government, and our zeal for the continuance of the Protestant succession in your royal house, may seem unnecessary, when it is demonstrably our essential interest, as well as our duty, to persevere in these principles. But we should be wanting to those warm impressions, which we feel in ourselves, if we did not, in this conjuncture, declare to your majesty, and the whole world, the fixed and unshaken purpose of our hearts, to defend and support this glorious cause, at the expence of our blood and treasure; and, at the same time, express our sincere and ardent wishes, that all your enterprizes, for maintaining the honour of your majesty's crown, and the rights of your people, may be blessed with the most prosperous success."

The King's Answer.] His majesty gave the following Answer:

"My Lords;

"I thank you for this dutiful and affectionate Address. Nothing can be more agreeable to me, than the zeal you express for the vigorous prosecution of this just and necessary war, the support of my dignity and honour, and the preservation of the balance and liberties of Europe; all which I have entirely at heart."

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*Debate in the Commons on the Address of Thanks.**] The Commons being returned to their House,

Mr. *Bromley* moved "That an humble Address be presented to his majesty, to return his majesty the thanks of this House for his most gracious speech from the throne; to acknowledge, with duty and gratitude, his majesty's great regard for the honour and interest of these kingdoms, in equipping such strong squadrons of men of war, and embarking a body of land-forces, to be joined and strengthened by a considerable number of his majesty's subjects raised in America, in order to carry on the war in those parts in the most vigorous and effectual manner; to express our most dutiful sense of his majesty's firmness and resolution, in not suffering himself to be diverted or deterred, by any incidents, from pursuing the just and vigorous measures in which he is engaged, for maintaining the honour of his crown, and the undoubted rights of his people; and to assure his majesty, that this House will stand by and support his majesty against all attempts made in violation of the faith of treaties, or tending to prescribe or limit the operations of the war against his majesty's declared enemies; and that we will, with great cheerfulness, grant his majesty such effectual supplies, as shall be necessary, not only for carrying on the present war with vigour, but also to put his majesty in a condition of being prepared for such events as may arise from the new and uncertain state of affairs in Europe; and that we will lose no time in considering the most proper methods of remedying the great mischiefs that may arise from the scarcity of corn, or from suffering our enemies to be supplied with any kind of provisions from any of his majesty's dominions; and that we will take such measures, as shall be thought most reasonable and practicable, to enable his majesty effectually to man his royal fleets, for the defence of the kingdom, for the security of the trade and navigation of his majesty's subjects, and for carrying on the war with vigour.

Mr. *Selwyn*, jun. seconded the motion.

Mr. *Pulteney* proposed to insert after the words "presented to his majesty," and before the words "to return his majesty the thanks of this House," these words, "to congratulate his majesty upon his safe and happy arrival in these his regal dominions," which was agreed to. He next proposed to insert after the words "and that we will," and before the words "with great cheerfulness," the words "make a due examination into the application of the Supplies given the last session of parliament, and will." Upon which a division took place. Ayes 159, Noes 226. So it passed in the negative.*

The Commons' Address of Thanks.] The following Address was then agreed to:

"Most gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, humbly beg leave to congratulate your majesty on your safe and happy return to these your regal dominions; and to return our sincere thanks for your majesty's most gracious speech from the throne.

"Your faithful Commons, with hearts full of duty and gratitude, cannot but ac-

* "November 22, 1740. There was a division in the House of Commons of 226 against 159, upon an amendment proposed to the motion for an Address, which was, upon promising the king to raise the necessary supplies, to add some words to this effect: "After we have enquired into the application of the money given the last session:" but that amendment was afterwards mollified in appearance; and it was proposed, instead of saying "after we have enquired," to say, "and we will enquire." Mr. Bromley made the motion for the Address, and was seconded by young Selwyn. Both of them, I am told, performed very well. I do not hear that there was any thing very particular in the debate; only Pitt and Lyttleton were very warm, which occasioned sir Robert to be so too. Mr. Pulteney moved the amendment; but, by reason of his health, left the House some time before the question was put. That part of the Address that congratulates his majesty on his return, is an amendment too, proposed by him, and not objected to on the other side. The speakers were the general teazers on one side, and on the other only four or five of the most considerable. Doddington, and all his hon. party that were present, were in the minority, but two of them were absent." Coxe's Walpole: Correspondence: John Orlebar to the reverend H. Etough.

* "The debate in the House of Commons upon the question of their Address, turned upon their declaring that they would make a due examination into the application of the supplies given the last session of parliament. But as this insinuated some diffidence of the ministry, it was thought improper to insert it; and therefore the Address, which was a very loyal and constitutional one, as moved by Mr. Bromley, was agreed to." Tindal.

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knowledge your majesty's great regard for the honour and interest of these kingdoms, in equipping such strong squadrons of men of war, and embarking a body of land forces, to be joined and strengthened by a considerable number of your majesty's subjects raised in America, in order to carry on the war in those parts in the most vigorous and effectual manner.

"We at the same time beg leave to express our most dutiful sense of your majesty's firmness and resolution, in not suffering yourself to be diverted or deterred, by any incidents, from pursuing the just and vigorous measures, in which your majesty is engaged for maintaining the honour of the crown, and the undoubted rights of your people: and we assure your majesty, that this House will stand by and support your majesty against all attempts made in violation of the faith of treaties, or tending to prescribe or limit the operations of the war against your majesty's declared enemies.

"Your dutiful and loyal Commons will, with the utmost cheerfulness, grant your majesty such effectual supplies as shall be necessary, not only for carrying on the present war with vigour, but also to put your majesty in a condition of being prepared for such events, as may arise from the new and uncertain state of affairs in Europe.

"Your majesty's tenderness and concern for the ease and welfare of your subjects, in recommending to the consideration of parliament the great distress that may arise from the scarcity of corn, calls upon us, in the strongest manner, to lose no time in taking the most proper and effectual methods of avoiding those great and dangerous mischiefs, which so apparently threaten us, and of not suffering our enemies to be supplied with any kind of provisions from any of your majesty's dominions.

"We will also take such measures as shall be thought most reasonable and practicable to enable your majesty effectually to man your royal fleets, for the defence of the kingdom, for the security of the trade and navigation of your majesty's subjects, and for carrying on the war with vigour."

The King's Answer.] The King gave this Answer:

"Gentlemen,

"I return you my thanks for this dutiful and loyal Address, and for the assurances you have given me of supporting me in the prosecution of this just and necessary war; and you may depend upon it, that the supplies you shall grant me shall be employed in the most effectual manner, to vindicate and support the honour and interest of my crown and kingdoms."

*Vote of Thanks to Admiral Vernon.**] Dec. 1. The Lords came to this Resolution: "That the Thanks of this House be given to vice admiral Vernon, for his gal-

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* *From the Secker Manuscript.*

Dec. 1. Thanks to Admiral Vernon.

Halifax. Admiral Vernon's merit hath been acknowledged by all the people of the nation, and others have added their awkward applauses. He hath done perhaps more than he was instructed to do. The war hath been carried on with vigour by him alone. And if his conquests have not been considerable, his conduct hath been as much proved as the duke of Marlborough's. Had 6 or 7 ships been sent him, and 3 or 4 of those regiments which have made so glorious a figure at home this summer, we should have thanked him for taking Carthagena, &c. But the minister, out of his infinite wisdom, chose to give the enemy time there, and let their fleet here loose upon him. But this will be matter of future enquiry. Move now, "That the Thanks of the House be given him for his gallant and successful conduct, and the services he hath done with so small a force." The proper method, by a letter from the Chancellor.

Sandwich. The greatest honours due to him who hath raised the reputation of a sinking nation. Belisarius more to be admired than Scipio. Hope on his return to see him possessed of the first marks of distinction. Themistocles after the battle of Salamis was dishonoured by a decree of the Lacedemonian Senate.

Newcastle. When the admiral returns, he will tell what his instructions were: whether he did not himself declare he was satisfied, and desired no alteration. It would be happy for the ministry to have every thing laid open. He was sent with a force superior to the enemies. When there was apprehension of the French going, it was resolved to make him superior still. Would you have had this additional force sent him before the proper time? Supplies ordered for him in two days, after his letter to desire them. The king hath already sent him his thanks, therefore agree readily to those of the House: and to any enquiry consistent with the national interest, to any that will not tell the enemy what we intend to do.

Halifax. If he had instructions to take Porto Bello, the ministers committed a blunder in giving him no more force. It is fact that the Spanish fleet was let loose. Ours lay before

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lant and successful conduct in the West Indies, and for the Services he has done his king and country, with the small force he commanded there; and that the Lord Chancellor do cause the same to be transmitted to the said vice admiral."

*Debate in the Lords on a Motion for Admiral Vernon's Instructions.**] Dec. 1.

The Earl of Warwick reported from the Lords' Committees, appointed the 24th of November last, to inquire into, and consider of, the methods of applying for or procuring Papers to be laid before the House, which have been used or practised, from the late glorious Revolution to this time: "That the Committee having directed the clerks to search the Journals, for instances

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Cadiz all the while it was known theirs was not fit to sail, and within a fortnight after they were ready, we withdrew. Restraints intended to be put upon enquiries. Giving us part is giving us nothing.

The Motion of Thanks unanimously agreed to.

* From the London Magazine.

From the Secker Manuscript.

Dec. 1. A Report read from the Committee containing all Instances of addressing for Papers, or ordering them to be laid before the House, from the Revolution to the end of last session.

Bathurst. In this report are 53 orders and only 32 Addresses. However for the present move, "To Address that the House may have laid before them vice admiral Vernon's Instructions from the time of his sailing, to the 24th of June last, excepting such as may relate to any design yet to be executed." It is not probable there should be need of this exception, however make it.

Newcastle. It will be difficult to know what exceptions to make. Pendente bello, nothing ever called for relating to it. And instructions have often been refused some years after services are over. Suppositions concerning our designs are said to have occasioned late motions abroad. Will you then make them known by authority? Instructions were given him at first with the same spirit and view as since, when he hath 34 ships of the line besides other small ones; and things may have been suggested at first with a view to his present condition.

Argyle. If the duke had listened to the report, he would have heard instructions and orders both addressed for, and called for in war time. We have been challenged now to call for them, and if we are not permitted they are such as will not justify the administration.

Cholmondeley. In these instructions the whole plan of the war may be contained: suppositions may be made in them not fit to be published. And if the restraining clause be observed, broken sentences must be communicated, from which we can have no sure light, and yet our enemies may fill them up and guess at our schemes.

Gower. It is necessary to look into the conduct of ministers as well as inferior officers. Then we shall know whether our success hath been owing to orders or to an honest heart that went beyond them, and judge from hence whether the administration are in earnest. If these papers are denied it is in vain to ask for others. In queen Anne's time, instructions were asked for pendente bello, and the whole board of Admiralty changed upon it. After the war is over you can only punish the criminal: now you may also change the counsels. The new inquest of the nation, which will soon be chosen, may call on you to look on these papers in your judicial instead of your counselling capacity.

Chancellor. Particular instructions have been addressed for: some addresses complied with, some not; but no instructions taking in such a length of time have been asked for: improper whilst this part of the war is depending; which is what the duke meant. Contingencies may be suggested, general considerations proposed. Besides designs remaining to be executed, there may be others not designed to be executed now, which yet should not be told. Verily believes, if they were to be laid before the House they would tend greatly to the honour of the administration, and that every success we have had would be found to result from them, and that no lord would think any thing contained in them required a censure; therefore opposes the motion only for the public good. Lights may be had without the instructions, from orders, which are general things, and from other papers. With these the parliament hath often been satisfied. Extracts from the instructions will convey no useful knowledge. Upon the nicest enquiry nothing will be found negligent or criminal.

Carteret. This House is useless if nothing to be laid before it pendente bello. 3 January 1694, House ordered that commissioners of admiralty lay before them all orders given by them excepting as in the motion now made, and also copies of the orders of those men of war, who went to the West Indies last year. No difference between instructions and orders to military, but in mere form. Afraid his instructions were as deficient as the force every body saw him go out with. If he had failed, it would have been said he was mad. But he, 'bene ausus varia contemnere.' Nobody could answer sending him to take Porto Bello with such a force. If he had had more force he would have kept the places he took, and then Spain must have come to terms before now. And we may still hope to take enough to give up and enough to hold too. If instructions soon called for, ministers will be careful what instructions they give. This motion, if com-

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of such applications, they had produced divers instances accordingly, as well by Orders of the House, as Addresses to the crown." And the said instances were read by the clerk. After which

Lord *Bathurst* stood up and said:

My lords; in the first debate that happened amongst us this session, it was acknowledged by every lord who spoke in the debate, that this House not only may enquire into the conduct of past measures, but that we may, and ought, as the great hereditary council of the crown, to give our advice, with regard to future measures, in every case that appears to be of great importance; and upon that occasion every one of your lordships seemed extremely willing to enter upon an enquiry into our late conduct. This, my lords, encouraged me to think of what was proper for this purpose; and the result of my thoughts upon this subject is the cause of the motion, which I am now to make to your lordships, and which I take upon me to make, not only because I am willing, but because I think the loud complaints that are generally spread among the people,

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plied with, will be to the eternal honour of a great part of the administration. But if we cannot break in at one door, we must endeavour to force in at another. As for any under-people that may have done amiss, the administration itself will doubtless bring an enquiry upon them. It was happy for us that the wind was against us, else we had sent out a fleet not strong enough.

Ilay. Doth not know what the instructions were. But suppose they contained an account of strong and weak places; where intelligence might be had, &c. Such were given in Cromwell's time: cautions as to defence where our colonies are weak: discretionary powers: supposing foreign powers were named, and cases put. Not delay asking for instructions till the whole war is over, which may last these ten years, but till this branch is over. It may be suggested on one side as well as the other, that persons are not in earnest: it may be said persons press for an inquiry, and yet want to have it not go forward. But such suggestions should be made on neither side.

Chesterfield. All censure or approbation, without seeing these instructions, must be imperfect. Suppositions prove nothing. It may be supposed on the other hand that orders will not bear the light. If the French have acted on suspicions only, the harm, if any, is done already; let them see the certainty. Perhaps their suspicion was, that if they shewed a little spirit, they should fright us, as they had done these twenty years. They have seen orders for our fleets to use persuasions, orders by which a whole fleet hath rotted before an enemies harbour, orders by which our fleet hath opened and let provisions pass through them to the enemy. It is said the instructions have been given with the same spirit from first to last: fear it is an evil spirit. Vernon could have no instructions but for reprizals, and there can be no harm in shewing these. Secrets are known by other ways than being communicated here. The Azogues ships had notice time enough from Spain, to steer an unusual course, and go to the only port almost before which we had no ships. Not probable there should be such a variety of matter in these instructions as is supposed. The instructions which have been called for, have usually taken in as much time. The same objections lie against calling for Drake's and Blake's instructions as these. An innocent man suspected will strain hard, but he will let every thing be known: and others will do as much to conceal. If a man wants to sell an estate and makes excuses about shewing his title, that he hath a very clear one, and he wishes he could produce it, for it would appear an excellent one: but some of the dispositions are such as it would not be convenient his relations should know. The answer would be, whatever you would not have them know, you let me know sufficiently that you have no title. The best way of explaining obscure passages in authors is by comparing them with the spirit and usual stile of the author. To say you may ask for orders is nothing. Sailing orders publish themselves. The thing is, what have you sent instructions to do? Hosier had orders to sail. Sorry to hear the lord who spoke last say he did not know what these instructions were. By his place he should have known. Where were they formed, and by whom? Will you let a house be fired, and then punish the incendiaries? Are you to stay till the crown deserts the administration? A very discouraging specimen of examination, if these things are refused.

Hervey. Very inconsistent, first to vote him thanks, then desire to see his instructions. The administration prefer the interest of the nation to their own defence. The instructions are such as shall be produced: but not too soon.

Halifax. It hath been said with a confidence almost to assurance, that the instructions are proper ones. But an information may be brought in the King's bench against a man, or the Chancellor will commit him to the Fleet, if he refuses proper papers.

N. C. 57: Of which I was one.
C. 35.

Bishop of Lincoln only of the minority: as was also lord Rumney.

The Chancellor assured me, from his knowledge of the Instructions, that there were things which, if published, would have given advantages to our enemies abroad.

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have now made it absolutely necessary for this House to enquire into the conduct and management of the war we are now unfortunately engaged in.

A state of war, my lords, is a most troublesome, dangerous, and expensive state to any nation whatsoever; but to a trading nation it is more so, than to any other: this our present most excellent ministers have often declared: they seemed to be so sensible of this, but a very short while since, that they made it an excuse for submitting to as cruel insults, continuing as tedious and hopeless negociations, and agreeing to as infamous treaties, as any age or country can parallel. Therefore, when our ministers found themselves unavoidably obliged to engage in war, their first and chief consideration should have been to have taken the most proper measures for bringing that war to a speedy as well as happy conclusion. It may be the advantage of a minister to have his country engaged in war, and to prolong that war as much as he can, especially when the war happens to be such a one, as he may manage so as not to run any considerable risk of a misfortune, and at the same time to gain a little triumph now and then, for cheering the spirits, and amusing the minds of the unthinking part of his countrymen, without allowing them to push their success so far, as to compel the enemy to offer a *carte blanche*. This sort of conduct, I say, may often happen to be the interest of a minister, but it can never be the interest of a nation, especially of this nation. The injustice, the haughtiness, or the ambition of foreign courts may force us into a war; but when this misfortune happens, it is certainly the interest of the nation to push the war with all possible vigour and dispatch, in order to put an end to the misfortune, as soon as we can, by forcing the enemy to submit to reasonable terms of peace; and when ministers do not push the war with vigour and dispatch, it is the business and the duty of this House to enquire into their conduct, to punish them for their neglect, and to put the future management of the war into other hands.

When the war we are now engaged in was first resolved on, every one of your lordships, and I believe, every man in the kingdom, concluded, that the West Indies was the most proper place for prosecuting the war, so as to bring it to a speedy, as well as happy issue. Every one saw it was there, where we could most hurt the enemy, where they were the least capable to defend themselves, and where we might push the war with the most ease and greatest advantage. Every one therefore concluded, that the war would be begun by a vigorous push in that part of the world, and every one stands amazed, that for near a year and half after orders had been actually dispatched for committing hostilities, no enterprize of great importance had been undertaken against any of the Spanish settlements in America, nor any proper force sent thither for such a purpose. When I say this, my lords, I would not be thought to derogate in the least from admiral Vernon's enterprize upon Porto Bello: it was a bold undertaking, and was attended with the most glorious, I will say, the most unexpected success; but no one can say it was an enterprize concerted, or so much as dreamt of by our ministers; because that admiral was not, in their opinion, according to what they had upon a former occasion declared, provided with a force sufficient for that or any other such enterprize; and his success shewed, that, if he had been provided with a proper force, that enterprize might have been pushed much farther, and made more advantageous to this nation, and more prejudicial to the enemy. For it is very certain, that if he had been provided with a proper land force, and such a one as we might easily have spared to have sent along with him, or soon after him, he might have kept possession of Porto Bello, instead of destroying it, and might have made himself master of Panama, by which means we should have laid the whole coast of Chili and Peru, and the western coast of Mexico, open both to our trade and to our attacks; and being thus masters of the isthmus of Darien, by sending proper reinforcements, and taking proper care to prevent the enemy's sending any, we might soon have made ourselves absolute masters of the mines of Peru, none of which lie a great way from the western coast of America, which would at once have put an end to the war, or would have enabled us to carry it on, at the enemy's expence, against whosoever should have dared, either to join with them against us, or to prescribe limits to the operations of his majesty's arms.

My lords, if our inactivity, or rather our providing for activity in the West-Indies, had been retarded or prevented by a designed enterprize in any other part of the world, or by any well-grounded appre-

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hensions of a dangerous invasion, there would have been some excuse; but as we seem not to have so much as thought of any other enterprize, and as it is impossible for any power in Europe to invade these kingdoms with any such land-force, as may be dangerous, whilst we have a superior force at sea, and are able to lock them up in their ports, this inactivity in the West-Indies, and our delay in providing for any enterprize of consequence in that part of the world, appears absolutely inexcusable to all those, who are ignorant of the secret springs of our public conduct. To vulgar eyes it appears to proceed from nothing but the most supine negligence, or the most stupid weakness, that ministers were ever guilty of: nay, there are many in this kingdom, and some of them of no small figure, who are apt to ascribe it to something worse than negligence or weakness: they know, that some of our ministers were against the war, notwithstanding all the provocation we had met with: from hence they suspect, that these ministers have resolved we shall have no success in the war, so far as they are able, by their art or power, to prevent it; and that in pursuance of this resolution, they took care we should not attack the enemy in any part of the world, till they had fair warning, and sufficient time to provide for their defence; so that if we have success any where, it will be owing to the natural indolence and laziness, or the cowardice of the enemy we have to deal with, and not to the wisdom, diligence, or conduct of our own ministers.

What I have already observed shews, that in this war we stumbled, our ministers were guilty of negligence, weakness, or wickedness, at the very first setting out: but, have we since recovered ourselves? Have our ministers, by their conduct since, atoned for the fault they committed at the beginning of the war? No, my lords: even after we heard of admiral Vernon's success at Porto Bello, and from thence were convinced, how defenceless the enemy were in that part of the world, we took no care to send him any proper supply, either of ships or land-forces, nor did we take a proper care, as is generally supposed, to prevent the enemy from sending reinforcements thither. Nay, if any credit is to be given to vulgar reports, Mr. Vernon was sent out so ill provided with naval stores, that after the affair of Porto Bello, he was obliged to lie by, several months, during the most proper season for action in that part of the world, for mere want of spare masts, sails, and other implements necessary for refitting his ships, which, if true, must be allowed to be a most criminal sort of oversight; for, surely, it will not be imputed to our want of naval stores here at home, considering the vast sums that have of late years been given for the support of our navy, and considering that no sum has lately ever been refused by parliament, which was desired by our ministers, on that or any other account.

I could mention, my lords, many other mismanagements and fatal neglects in the conduct of the present war, which can no way be accounted for by those who are not let into any of the secrets of state; and from hence, my lords, there is now such a general clamour raised in the nation, that this House must enquire into the late conduct of our ministers, if we have any regard to our character, or if we have any regard to our duty, either to our king or our country. When a general clamour is raised among the people against the conduct of the king's ministers, it must be either with or without a real foundation. If it be without a real foundation, we are in justice to the ministers, and in duty to our sovereign, obliged to enquire strictly and impartially into their conduct; because from thence the people will be convinced that their clamour was without any real foundation, and that what appeared to be owing to the misconduct of the ministers, was truly the effect of accidents or fatalities, which the ministers could neither foresee nor prevent. By this means, we shall do justice to our own character, by shewing the people that we do not neglect their safety; we shall do justice to the character of the king's ministers, by shewing the people that they are innocent; and we shall do eminent service to the king, by convincing the people that he employs no fools or knaves in the administration of public affairs.

On the other hand, my lords, if there be a real foundation for the clamours raised among the people against the conduct of the administration, your lordships are bound in duty both to your king and country, to enquire into that conduct. To your country you are in duty bound, that it may no longer suffer by the weakness or wickedness of its governors; and to your king you are in duty bound, that he may no longer be exposed to the danger of losing the affections of his people by the misconduct of his ministers.

Thus your lordships must see, that when

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there is a general clamour among the people, against the conduct of the administration, whether that clamour be groundless or no, we are in duty to our own character, in duty to our king, in duty to our country, bound to enquire into the conduct of our ministers; and this enquiry must not be partial or superficial: we must have all papers, all materials, laid before us that are necessary for coming at the truth: without this we can give no satisfaction to the people: we cannot distinguish the guilty from the innocent: the people will judge, whether we are in earnest or no, by the materials we have before us, and by the persons chiefly employed to make that enquiry: from thence they will judge, whether our enquiry be partial and superficial: and if they suppose it is, our justification of the conduct of the ministers, instead of restoring their character, will make us lose our own. Therefore, if the ministers be perfectly innocent, if they have been guilty of no fault, they will not only promote our enquiry, but they will furnish us with every thing necessary for our information, and will desire that the enquiry may be chiefly conducted by those who cannot be suspected of being partial in their favour. I cannot pretend to the honour of saying, the ministers are my friends; but I will say, that, if they are innocent, I am not their enemy; and as I hope they will, upon a strict enquiry, appear to be so, I shall be so much their friend as to tell them, that, considering the public scandal they lie under, the wisest and best course they can take, either for themselves, their sovereign, or their country, is to submit their conduct to the public censure; and for that purpose, to furnish us with all papers that can be thought necessary for our thorough information.

I know, my lords, it may be said, that there are many papers which cannot, consistently with the public safety, be laid before this House, because the secrets of our government might thereby be discovered to our enemies. This argument I do not think of any weight, because in such cases we may appoint a secret Committee to inspect such papers, and to report such parts of them, as may be communicated without danger, with their opinion upon the whole; however, as some of your lordships may be of a different opinion, and as I am willing to have what I propose unanimously agreed to, I have taken care to obviate this argument against my motion: which is this: "To resolve, That an humble Address be presented to his majesty, that he will be graciously pleased to give directions to the proper officer, to lay before this House, copies of the several Orders and Instructions given to vice-admiral Vernon, from the time of his sailing from England in the year 1739, to the 24th of June last; except only such parts of those orders and instructions, which relate to any particular design, yet remaining to be executed."

My lords, considering the exception I have taken care to add to this motion, I cannot suggest to myself any objection that can be made to it. If your lordships are resolved to give any satisfaction to the people, by an enquiry into the conduct of our ministers: nay, if you have any thoughts of exerting yourselves in your high capacity of hereditary great council of the crown, upon this occasion, which must be allowed to be as important, as any that ever happened: nay farther, if the ministers themselves are not conscious of their own misconduct, this motion must, in my opinion, be unanimously agreed to.

The Duke of *Newcastle*:

My lords; that this House has a right to enquire into the conduct of past measures, or that we may offer our advice to the crown, in relation to future measures, are questions that will never, I believe, be disputed by any lord who has the honour of a seat in this assembly; but the questions that usually come to be disputed upon such occasions, are, whether it is then necessary or proper for us to enquire, or to offer our advice. As to an enquiry into the conduct of past measures, I hope it will not be so much as alledged, that it is at all times proper to enquire, or that we ever ought to set up such an enquiry without some very good reasons for so doing; therefore, when an enquiry is proposed, the two questions that naturally occur, are, whether there be any reason for the enquiry proposed, and whether that be a proper time for setting up such an enquiry. To say, that a general clamour among the people affords a good reason for an enquiry, is, in my opinion, a very improper rule for any lord in this House to determine himself by; because there never was an administration, whose conduct was not clamoured against by some; nor was there ever a public measure pursued, which was not misrepresented and complained of by some persons in the kingdom; therefore, it is very difficult, if not impossible,

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for any lord to determine, whether or no a clamour be general, and the deciding of this question will appear still more difficult or impossible, if we consider the present circumstances of this nation.

Your lordships all know, that we still have in this kingdom a very numerous party, who are disaffected to our present happy establishment. From this party we must expect, that they will be continually endeavouring to raise a clamour against the wisest measures that can be pursued by the administration; and in this they will always be joined by those, who find fault with public measures for no other reason, but because they were not concerned in advising or prosecuting them. These two bodies of men will at all times form a very considerable party, and as the people in general are more apt to condemn, than to applaud the conduct of men in power, the endeavours of these two bodies of men will always be too successful; especially, as in this kingdom every man may not only speak, but write and publish, almost whatever he pleases, against the government of his country. Thus, whilst our present happy establishment endures, which I hope will be as long as the world lasts, we must expect, that there will be a clamour against the wisest measures that can be pursued by the administration; but such a clamour will not, I hope, be said to be a sufficient ground for this House to proceed to an enquiry into the conduct of past measures; because such enquiry not only takes up the time of this House, which might be otherwise better employed, but it diverts the attention of our ministers, and forces them to apply to their own justification and preservation, that care and time, which ought to be applied to the safety and prosperity of the public.

A clamour, therefore, among the people, however general it may appear, is not, I think, of itself sufficient to justify any lord in giving his vote for an enquiry; consequently we must look for another rule, by which we are to determine, whether there be a sufficient reason for the enquiry proposed, and this rule is, in my opinion, very far from being difficult to be found. It is, in short this: before any lord consents to an enquiry into the conduct of past measures, he ought to consider that conduct and the light in which it appears to him; and if upon a general survey, he can find no reason to suppose, that it has been extremely weak, or extremely wicked, he ought not to give his consent to an enquiry. I say, my lords, extremely weak or extremely wicked; for I do not think, that human frailties or oversights can afford sufficient cause for this House to proceed to an enquiry; nor can any public misfortune afford such a cause, if there appears to be a probability, that it was owing to such accidents as could not be foreseen, or such as could not be prevented, by those entrusted with the management of our public affairs.

This, my lords, is the only rule for judging, whether we have at present a sufficient ground for setting up an enquiry into the conduct of past measures, and according to this rule I can find no such ground. We have as yet, thank God! met with no uncommon or unexpected misfortune in the war in which we are now unhappily engaged. We have not as yet, perhaps, met with all the success, which was at the beginning expected by some sanguine persons, who were ignorant of the difficulties we had to encounter, and the dangerous situation in which the affairs of Europe happened to be, when we found ourselves obliged to declare war. But we have met with greater success than could reasonably be expected by any man, who was fully informed: we have already done the enemy greater mischief than they can repair for many years; we have opened a most beneficial trade to the Spanish settlements in the West Indies; and upon the balance I believe, we have taken a great deal more from the enemy at sea, than they have been able to take from us, notwithstanding the vast disproportion between the trade and navigation of Great Britain, and the trade and navigation of Spain. These, my lords, are considerable advantages, and if we have not reaped greater, it has been entirely owing to the weak condition we were in, when Spain made it absolutely necessary for us to issue letters of reprisal, by refusing that satisfaction she had so solemnly promised in the late convention. We had then no troops on foot, but such as were judged absolutely necessary for our defence in time of peace, and we had not near such a number of men of war in commission, as were necessary for guarding our coasts, our trade, and our valuable settlements in the Mediterranean. It was therefore necessary to think of providing for our own defence, before we could provide for attacking the enemy; and as the power of our government is more limited than the power of any other, every one

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knows the difficulties our government must always meet with both in raising soldiers and seamen.

My lords, if we had no disaffected party amongst ourselves, or if we had at the beginning of the war, had no enemy to fear but Spain, we might perhaps have ventured to have sent a few of our regular troops for attacking Spain in the West-Indies, before we had replaced them by new levies; but neither of these was the case. We have still a disaffected party amongst us, and though that party may not of itself be formidable to the government, yet if the Spaniards had found means to land 4 or 5,000 regular troops in any part of Great Britain or Ireland, at a time when we had not a sufficient number of regular troops for our defence, the invaders would have been joined by such a number of the disaffected, as would have made it very difficult for us to support our government at home, and consequently utterly impossible for us to attack the enemy, or even to defend our own dominions abroad. I know that this will now be represented as a vain and ridiculous apprehension, because by the wisdom and care of our ministers, the danger has been prevented; but if they, by sending our squadrons and troops abroad, had exposed us to the danger of an invasion at home, and the enemy had thereby found an opportunity to land some troops in Britain or Ireland, I am sure it would have afforded a much better reason for an enquiry into their conduct, than any can be now assigned.

Therefore the danger of an invasion, even from Spain, was a good reason for our delaying to send any troops to the West-Indies, till a sufficient number could be raised for that purpose, which was done, in my opinion, with all possible dispatch, and the fleet, with those troops on board, sailed as soon as the winds would permit; for I hope it will not be imputed to any misconduct of our ministers, that the winds continued for two or three months in the western corner. But Spain, my lords, was not the only enemy we had, or have yet to fear: There is another potentate in Europe, whose interest it is to prevent this nation's extending its dominions in America, and therefore we had reason to apprehend from the beginning, that he would join with Spain against us, if he saw any probability of doing it with success. The only method we had to prevent this probability, was to provide for our defence, both by land and sea, in such a manner as to prevent its being in his power to do us a mischief here at home, or give a check to our arms abroad, even though he should openly join with Spain for that purpose; and this made it necessary for us to keep greater armies at home, and more powerful squadrons upon our coasts, than we should otherwise have had occasion for. Even the very suspicion of our designing to make conquests upon Spain in America, has, we find, made this potentate send his squadrons to the West-Indies; What they intend to do there, is not as yet known; but if they intend any thing against us, it is to be hoped, his majesty's squadrons, now gone thither, will be able to give a good account of them. I am far from supposing, they have orders to join with Spain, or to act any way against this nation; but their having sailed thither justifies the suspicions of our ministers, and shews, that they were in the right to provide against the worst, especially here at home; for nature itself teaches us to guard chiefly the most vital parts, and even to expose the members for preventing a blow in any vital part.

Thus, my lords, our not having till very lately sent any land-force to the West-Indies, may be easily accounted for; and the ill success of all our former expeditions against old Spain must shew, that it would have been very imprudent in us to make any such new attempt. Such attempts must always put this nation to a vast expence; and whatever profit private men may get by plunder, the nation can expect no advantage, nor can we greatly distress the enemy, by any such attempt, let it prove ever so successful. The chief thing we had to do in the Mediterranean, or upon the coasts of Spain, was to protect our trade and our settlements in that part of the world, which we have effectually done; and the only thing we could reasonably pretend to do in the West-Indies, till after we had provided for our defence at home, was to prevent the return of the galleons, which we have likewise effectually done: Nay, by the conduct and bravery of the admiral which his majesty was pleased to send thither, we have done a great deal more; for by the demolition of the fortifications at Porto Bello and Chagre, we have made it impossible for any galleons ever to return, as long as the war continues between Great Britain and Spain. This of itself must bring great distress both upon the court and kingdom of Spain, and will at last compel them to

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submit to reasonable terms, without our making any conquests in that part of the world, which will, in my opinion, be a dangerous attempt, not only because of the difficulty attending the experiment, but because it may unite all the trading powers of Europe in a league against us.

Therefore, my lords, as things appear to me from those circumstances that are public, I can see no reason to find fault with the management of the war, and consequently I can see no reason for our giving either ourselves or the king's servants the trouble of enquiring into their conduct. I say, my lords, as things appear to me from those circumstances that are public, which every one of your lordships is as good a judge of as I am; for I do not pretend to argue from any secret intelligence; if I had the liberty to do so, I might perhaps give a much greater weight to my argument; I might perhaps be able to clear the administration of every suspicion of misconduct; but this I do not think necessary, because in the present case it is sufficient to argue from public appearances; it is from them those lords must argue, who happen to have no share in the administration; and if from them we find no reason to suspect our ministers of extreme weakness or wickedness in the conduct of public affairs, we can have no sufficient ground for setting up a parliamentary enquiry, which must always be troublesome, if not dangerous, and can be attended with no national advantage, when there has been no error in our public conduct. For to imagine that such an enquiry, let it be ever so strict and impartial, would pacify the clamours without doors, is, in my opinion, a very vain imagination. There are no clamours but among the disaffected and discontented; as to the former, nothing will ever satisfy them but the total overthrow of our present happy establishment, which the nation has great reason to dread; and as to the latter, nothing will ever satisfy them, but the total overthrow of the present administration, which the nation, I think, has no reason to desire.

But suppose, my lords, that from public appearances we had some reason to suspect the administration of mismanagement in the prosecution of the war, is this a proper time to enter into a parliamentary enquiry into that mismanagement, or to call for the papers necessary for that purpose? To enter into such an enquiry, and to have such papers laid before this assembly, *pendente bello*, would certainly be attended with the most fatal consequences: It would of course discover all our secrets to the enemy, and not only prevent our being able to attack them with advantage, but instruct them how to attack us in the most tender and defenceless part: It would not only lay open all the government's hidden channels for secret intelligence, but would expose those who had conveyed, or engaged to convey that intelligence, to certain and inevitable destruction; and this would be of infinite prejudice in all wars we may hereafter be engaged in; for no foreigner would ever engage in a secret correspondence with any of our ministers, lest, by a parliamentary enquiry, his having engaged in such a correspondence should be discovered to his own court, and he exposed not only to punishment, but to indelible infamy and reproach.

My lords, the dangers, the inconveniencies, the certain mischiefs attending such an enquiry, are obvious and innumerable; because it is impossible to carry on the enquiry without having all the papers laid before us, that relate to the conduct of the war; and as it is impossible to keep papers secret that are once laid before this House, therefore it ought to be laid down as a maxim, that *pendente bello*, no enquiry into the management and prosecution of that war can be set on foot. This the noble lord appears to have been sensible of, when he made his motion, and therefore he took care to conclude it with an exception, as to those parts of orders or instructions, which relate to any particular design, yet remaining to be executed. But do not your lordships see, what an heap of confusion you are going to call for? The instructions given to an admiral, employed against the enemy, at such a distance as the West Indies, must relate to many particular affairs, and to several particular expeditions, some of which may have been executed, and others perhaps remaining to be executed; and these must be so intermixed, that if you were to have the parts relating to the former, without having at the same time communicated to you the parts relating to the latter, the whole would appear to be downright nonsense: it would be impossible for you to get from thence any such information as could be depended on, or to form any judgment of the conduct of the war. Those parts, therefore, that relate to designs already executed, can be of no service to you, if they were

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communicated, and by this very exception you admit, that those parts which relate to designs yet remaining to be executed, ought not to be communicated.

Thus your lordships must see, that the motion, as it stands at present, is inconsistent with itself, and therefore it must be inconsistent with your lordships' wisdom to agree to it. But farther, my lords, there may be articles in the admiral's instructions, which relate to no design that has been or is to be executed; and yet they may be such as ought not to be made public. There may be articles relating to the places where, and the persons to whom, or the methods by which he is to apply for secret intelligence; and these your lordships will, I believe, admit, ought not to be made public by being communicated to this House, In short, I do not see how you can agree to this motion, unless you alter the exception, and conclude thus, except such parts of those orders and instructions, which contain secrets that ought not to be divulged; and what use an address for instructions, with such an exception at the tail of it, can be of to your lordships, I confess, I do not comprehend.

From these reasons, my lords, I must be of opinion, that you cannot, consistently with the public safety, call for any of the instructions that have been given to admiral Vernon; but as to the orders that have been given him, such as sailing orders, orders for repairs, or orders for victualling, and the like, most of them, I believe, may be communicated without danger, and therefore your lordships may address for having them laid before you, if you think fit; for upon this occasion I must observe, lest some of your lordships should mistake, that there is a very great difference between the orders and instructions given to an admiral: the former seldom contain any great secret, the latter generally do; and therefore the former have often been communicated to parliament, but the latter have seldom or never been called for: at least, I believe I may say, they have never been called for, till those affairs were entirely over, to which they could be any way supposed to relate.

Having now shewn, my lords, that we have no reason for setting up a parliamentary enquiry into past measures, and that if we had, the present is not a proper time for it, I shall next observe, that supposing it were both proper and necessary for your lordships to give your advice, with regard to our future conduct, I do not see how, for this purpose, it is necessary for you to see the instructions given to admiral Vernon before the 24th of June last; for the posture of affairs, both in Europe and the West-Indies, is so much altered since that time, that those instructions can no way contribute towards your information, or towards your determining what advice you ought to give upon the posture of affairs, as they stand at present. Therefore as the papers now moved for, are no way necessary for this purpose, and as an enquiry into the management of the war would be not only improper but unsafe as long as the war continues, we can at present have no occasion for seeing these orders and instructions; and for this reason I must be against the motion.

Lord *Carteret*:

My lords; we have, I think, almost every session of parliament some distinction started, where there is really no difference, and some new maxim introduced, which is inconsistent with the fundamental maxims of our constitution. To lay it down as a maxim, that no parliamentary enquiry into any part of the management of a war, is to be set on foot, *pendente bello*, is to tell us, that with regard to the conducting of a war, where mistakes are most dangerous and irreparable, our parliaments are quite useless. This maxim, indeed, is very much a-kin to another maxim I have often heard in this House, that you must not enquire into the conduct of a negociation, till the negociation be concluded. These two maxims, I think, if they were admitted, would effectually exclude our parliaments from ever intermeddling in foreign affairs; at least it would prevent our intermeddling, till the mischief had become irreparable. In domestic affairs, which neither relate to war nor peace, you may intermeddle, you may rectify the blunders of your minister, you may prevent the mischief before the remedy is out of your power: but in foreign affairs, you shall not enquire into a negociation, till that negociation ends in an infamous treaty, which your enquiry cannot set aside: or in a heavy war, which might have been prevented by a well-conducted negociation, and which your enquiry cannot put a stop to: you shall not enquire into the conduct of a war, till by the blunders of ministers our fleets and armies are destroyed, and the nation obliged to submit to a dishonourable peace,

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when your enquiry can neither restore your fleets and armies, nor prevent the fatal consequences of a dishonourable peace.

This, my lords, is the true state of the doctrines lately broached in parliament; and from stating them in their true light the ridiculousness of them must appear; I am sure no independent parliament will ever admit of them, and it is but very lately since they have been contradicted by the practice of parliament. In the year 1694, we were engaged in a more dangerous war than the present; in that year the war was in its greatest fury, yet this did not prevent the parliament's enquiring into the conduct of the war. No minister then presumed to tell them, that such an enquiry was not to be set on foot, *pendente bello;* on the contrary, the enquiry was promoted both by the ministers and by the admiral concerned: the former were conscious they had given such orders and instructions as were right, and the latter was conscious he had pursued his instructions to the utmost; therefore both joined heartily in promoting the enquiry, and in furnishing the parliament with every thing that could be thought necessary for that purpose, in order to remove the groundless clamours that had been raised against them. They did not pretend, that the laying of the admiral's orders or instructions before parliament, would discover the secrets of government to the enemy: they were both laid before parliament; for whatever distinction may be made between orders and instructions, there is no real difference: An instruction must be as exactly observed, and as punctually pursued, as an order, and an order may contain secrets, as well as an instruction; and when an enquiry is set on foot, both must be laid before parliament, for without the instructions, as well as the orders, it would be impossible for the parliament to proceed. If there be in either any secrets which ought not to be discovered, his majesty is to acquaint his parliament with it, and upon that information, which can be taken from none but his majesty, a secret committee is to be appointed, or the enquiry put off, till a more convenient season.

To tell us, my lords, that we can ask for nothing but sailing, victualling or repairing orders, is to tell us, we can do nothing but the drudgery work of ministers. Little contracts about victualling, or about naval stores, are not to be enquired into here: the other House may enquire into them; but most properly, it is the business of ministers; for they are to take care, that all their little under-agents do their duty: If they do not, it is our business to enquire into the conduct of the ministers and to punish them for their neglect. I hope some of our ministers have been for vigorous measures: and they, I hope, will enquire, how all the vigorous measures they had concerted, have been entirely disappointed, or very much retarded, by little under-agents: It is their business to remove and punish those under-agents; and if they find they cannot do so, if they find those under-agents protected by a power, which they cannot encounter, it is their duty to call for the assistance of parliament: for I hope there is no power in the kingdom, which a parliament will not dare to encounter; I hope there is no power in the kingdom, which a parliament may not be able to defeat.

To me, my lords, it is surprizing to hear that no lord in this House can determine, whether or no a clamour be general; we cannot perhaps, count noses, and tell the exact number of those that clamour, and of those that do not; but surely we can tell when the conduct of public affairs is found fault with, and exclaimed against by great numbers of men, who are governed neither by disaffection nor disappointment. This is the case at present, and as generally so, I believe, as ever was known in this nation; I believe there is not a man in the kingdom, absolutely independent, that will say, he is thoroughly satisfied with the management of the war: Even by placemen and officers it is exclaimed against, in all companies where they think they can speak their mind with safety. The clamour is general over the whole nation, and no wonder it should be so: the people have last year paid four millions towards a vigorous prosecution of the war, and yet nothing done, but what has been done without any express orders from our minister. Is not this a good reason for complaint? Will not the people expect from us a reason, why their money has been thus thrown away, without any effect? And can we give them a reason without the least enquiry into the affair? In this session of parliament, we must again load the people with four millions for next year; they will pay it willingly, if they find the parliament as ready to censure as applaud; but they will pay it with regret, with murmuring if they find, that those

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who impose such heavy taxes upon the public, take no care of their being applied in the most proper and effectual manner to the public service.

If we should return to the country, my lords, and tell the people, that our government durst not send our forces out to invade the enemy, for fear of their invading us, will not every man of common sense laugh us to scorn? Does not every one know, that the best way to prevent an invasion is to invade? Did not the Romans send Scipio to invade the Carthaginians at the very time that Hannibal was in Italy, and almost at their gates? But the case with us is still stronger; we could easily have invaded the enemy, when and where we pleased; whereas it was difficult and dangerous, if not impossible, for them to invade us at any time, or in any place. To pretend, that we must always keep a mercenary army of 30,000 men in Britain and Ireland, for supporting our government against an invasion with 4 or 5,000, must be ridiculous, or it must be a very bad compliment to the illustrious family now upon our throne: because it is supposing, that they have few or no friends in the nation, but those they keep in daily pay. And to say, that a common soldier, who has no property, who has neither *ara* nor *focus*, will fight against a foreign invader with more courage and resolution, than those that fight *pro aris et focis*, is, I am sure, a very unjust reflection upon all the gentlemen, and all the men of substance in the kingdom.

But, my lords, we were, it seems, to guard against an invasion from France, as well as Spain; and for this reason we were obliged to keep our squadrons and our armies at home, instead of sending them out to invade our declared enemy. I am sorry to hear, that an administration which has so long and so effectually served the court of France, an administration which so lately joined with them in pulling down the overgrown power of the house of Austria, an administration which so lately left the emperor to their mercy; I say, I am sorry, that such an administration should have the least cause to suspect, that France would invade us, or that she would join with Spain in such an unjust war against us. But suppose, my lords, our ministers have now at last found, that the gratitude of France towards this nation is not to be depended on, which they have often been warned of: suppose they had good reason to suspect, that France would invade us, if she could find an opportunity; yet those who knew what condition the navy of France was in, when the war broke out between Spain and us, and I hope it will not be said that our ministers were ignorant of it, could not be under the least apprehension of an open and considerable invasion from France; and if they had attempted to invade us by stealth with 4 or 5,000 men, I hope the gentlemen of any county in Britain, with their tenants and servants, will always be able to give a good account of such a small number of foreign invaders; for I shall not mention the militia, because, as they are regulated and managed, they are so far from being troops, that they can scarcely be accounted men.

I am therefore of opinion, my lords, and I believe the greatest part of the kingdom are of the same opinion, that we had no occasion for above one half of the troops we had on foot at the beginning of the war, for protecting us against any invasion, either from France or Spain. We might, therefore, at the very beginning of the war, have spared to send a much greater number of troops, and a more powerful squadron, than we had occasion for here, to the West Indies; and if we had any well grounded suspicion, that France would at last join with Spain against us, or attempt to limit the operations of his majesty's arms, it was so far from being a reason for keeping our troops or our squadrons at home, that it was a strong argument for sending them out, in order to make a vigorous push, and to gain as much as we could from the Spaniards, before the French could come to their assistance, which we knew they could not do, till they had repaired and augmented their navy. This was what our ministers ought to have done, unless they were resolved from the beginning to carry on the war according to directions from the court of France, and to push it no farther than that court should give them leave; which, I am afraid, was the resolution of some of them, though, I am convinced, not of all; and this is, in my opinion, an unanswerable argument for a parliamentary enquiry: it ought to be an argument with many of those concerned in the administration, that the guilty may be detected, and the innocent relieved from that load of reproach, which now lies indiscriminately upon the whole.

Therefore, my lords, if it was the duty of our ministers to have sent a land force

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to the West Indies at the very beginning of the war, and if they could have done so, without exposing the nation to any danger at home, they were guilty of misconduct, long before they could plead contrary winds for an excuse. Contrary winds are not to be found fault with, because of him who is the author and director of winds. Thank God! they have been often in favour of this nation. In queen Elizabeth's time, they did us a signal favour; 'Afflavit Deus, hostesque dilabuntur,' she therefore took for a motto; and if they were against us last summer, it was perhaps a judgment, on account of our having so long neglected the means we had daily in our power: but I am far from thinking, that the winds were the sole cause of our fleet's lying so long at the Isle of Wight; this is a question, which is now *sub judice*, and is to be determined by this House upon an enquiry, when it will perhaps appear, that the winds were not the sole cause of that fleet's delaying to sail, till his majesty came to put an end to all contradictions; but be this as it will, the delay was in some measure lucky for us: if it had sailed two or three months sooner, it would not have been so strong; and in that case, the Spanish and French squadrons might, perhaps, have been able to destroy it in the West Indies; whereas both of them joined together are not now to be feared, especially if it gets to the West Indies before admiral Vernon meets with any misfortune, which, I think, he will be very much exposed to, if the French have any design to join the Spaniards against us; and if he should, I do not see how our ministers will be able to excuse their having had so bad intelligence, both of the French designs, and of the sailing of their squadrons.

My lords, as I have mentioned admiral Vernon, I must observe, that I am surprized to hear our ministers assume to themselves, by way of excuse for their conduct, any thing that has been done by that admiral in the West Indies. If we consider the method in which they began the war, and the time that admiral was sent out, we cannot suppose, they gave him orders, or that they intended he should attack any of the Spanish settlements in America. And if we consider their opinion of the strength of Porto Bello, and the small force they furnished him with, we can far less suppose, they intended he should attack that fortress: at least, if we make any such supposition, we must add to it another, that they intended that both he and the ships they put under his command, should be destroyed. As our ministers began hostilities by reprizals, and as admiral Vernon was thereupon sent to the West Indies, we must suppose, that he had no orders or instructions for any thing but reprizals: these, we may suppose, considering the temper of the man, were in the most ample terms, 'To seize all 'ships, vessels, and goods belonging to the 'king of Spain, or his subjects, or others 'inhabiting within any of the territories of 'the king of Spain;' and these the admiral interpreted in the most ample manner, by concluding, that he might seize goods at land, as well as by sea, and demolish every thing that opposed him.

I could almost engage, my lords, that his orders were in the words I have mentioned, or something to that effect: and I have good reason to believe, that he received no additional orders or instructions, till after his taking and demolishing the castle of Chagra; so that neither of admiral Vernon's expeditions is to be imputed to the conduct of our ministers; for if he had not put a construction upon his orders, which few but himself would have done, we should have heard no more of his exploits in the American seas, than we have heard of our other admiral's exploits in the Mediterranean: but he put that construction upon his orders, which the honour and interest of his country required, though perhaps not that which some in the administration intended. In so doing, he did right; his country has already approved of his conduct, and I trust in God, his country will be able to protect him against all his enemies, be they Spanish or English.

Thus I have shewn, my lords, that from the method in which our ministers began the war, and the time when admiral Vernon was sent out, we cannot suppose, that he had orders for attacking any of the Spanish settlements in America; and as they had before publicly declared it as their opinion, that admiral Hosier could not propose to attack Porto Bello with success, notwithstanding the strong squadron he had under his command, we can from thence far less suppose, that they gave orders to, or intended, that admiral Vernon should attack that fortress, since they did not furnish him with half the force. This, as I have said, we cannot suppose, without adding another supposition, which, I believe, no friend to our

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minister will be fond of admitting. But Mr. Vernon, it seems, knew better than they; he knew that castles are a vain defence against ships of war: he then declared his opinion; and soon after his arrival in the West Indies he confirmed his opinion by experiment: he attacked Porto Bello; he carried it; and thereby he shewed the true spirit of his countrymen, their intrepidity in attacking, their moderation in victory, their disinterestedness in the use they make of it, and their honour in observing capitulation. In all these particulars their very enemies commend them; and this, the Spaniards themselves allow, was Mr. Vernon's behaviour at Porto Bello.

Let me now, my lords, state the case fairly and distinctly. It is allowed on all hands, that the proper method for distressing the enemy, or gaining a real advantage to this nation, is to take and hold some of their settlements in America; therefore, the only proper orders that could be given to any commander in that part of the world, was to endeavour to take possession of some of those settlements; and for this purpose, he ought to be furnished with a proper force; but admiral Vernon was not furnished with a proper force. If he had carried but two battalions along with him, he would not have destroyed, but would have kept possession of the castles, both at Porto Bello and Chagra. This would have been a real advantage to this nation, and would have brought such a distress upon Spain, as would, probably by this time, have forced them to a submission. From hence it is evident, that there must be a fault somewhere: if Mr. Vernon had no proper orders, they are guilty, who neglected to give him such orders; if he had proper orders, they are guilty who neglected, for no less than 18 months, to furnish him with a proper force. After this, will any lord say, that we have no reason to enquire into the management of the war? Will any one say, there is no ground for the clamours that are so loud and so general without doors?

Thus your lordships must see, that you are not desired to proceed to an enquiry into the conduct of the war, without a most solid, a most apparent reason, and if there be such a reason, I am sure, the sooner we go about an enquiry, the better; for we may thereby prevent most fatal mischiefs, perhaps irreparable ruin, that may be brought upon the nation by another year's mismanagement of the present war, and by the mismanagement of another more dangerous war, which this nation may in all probability be engaged in, before we meet again in this House. The noble lord who made you the motion, has taken all possible care to obviate the modern objection, relating to the danger of discovering secrets. He does not desire to see what relates to designs yet remaining to be executed. Surely, if the whole of the instructions be not a heap of confusion, every distinct design must have a distinct article, and therefore I cannot join with the noble duke, in supposing they are so intermixed, that the one cannot be understood without the other. But a short and a full answer to all such objections is, that if his majesty should, by way of answer to our address, inform us, that what we call for contains secrets, which ought not to be discovered, or that the articles relating to designs already executed, are so intermixed with the articles relating to designs yet remaining to be executed, that the one cannot be understood without the other; I say, if his majesty should by his answer give us such an information, we must appoint a few of our number, as a secret committee, and desire, that all such instructions of papers may be laid before them; for there are many lords in this House, who must be allowed to be as fit to be entrusted with the secrets of our government, as any minister employed by his majesty; and if we do appoint such a committee, I hope we shall chuse such lords, as have never been entrusted with any secrets of the minister.

But suppose, my lords, that no enquiry into the conduct of past measures were at present necessary; suppose that the nation, as well as this House, were fully satisfied with the conduct of our ministers; yet surely, if ever we exert our privilege of being the great hereditary council of the crown, we ought to exert it upon this occasion, an occasion perhaps the most important that ever this nation saw. The affairs of Europe are at present in such a ticklish, such an unhappy situation, that one wrong step in the conduct of this nation may involve Europe in irrecoverable thraldom. Shall we then, at such a critical and important conjuncture, for fear of disobliging a minister, refuse or neglect to make the proper use of our birthright? Shall we, for fear of discovering the secrets of government, delay doing our duty to our country and sovereign, as if

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no lord in this House were fit to be entrusted with the secrets of his country, but such as happen to be the favourites of the minister? Secrets, my lords! I do not believe, the government has had any secrets this twenty years, that are of such importance, as to make it of great signification to the nation, whether they are discovered or no: the minister, indeed, may have many secrets of importance, but they are such as ought to be discovered, that the nation may see how it has been governed, that his majesty may see how he has been served. I hope, therefore, no fear, no pretence, shall prevent our making use of our birth-right, and performing that duty we owe both to our king and country: I hope we shall upon this occasion give our most serious, our most sincere advice to our sovereign. Can we do this without being fully informed of the state of our affairs both at home and abroad? Can we get this information any way, but by having all papers laid before us without reserve, that relate to any important transaction our government has been of late years engaged in?

The noble duke has told us, that the posture of affairs is very much altered since June last. My lords, I shall grant it; but the present unlucky posture of affairs is owing to the posture they were then in, and the unlucky posture they were then in, was chiefly owing, I believe, to the shallow conduct of our ministers for several years before. If they had begun and prosecuted this war with vigour, it would have recovered the character of the nation: it would have attached to us our ancient allies; and it would have prevented any power in Europe from daring to disturb the tranquillity thereof. Therefore, before we can give any advice to our sovereign, we must see the orders and instructions given to our admiral in the West Indies, because if they appear to be such as I suspect they are, the first advice we ought to give to our sovereign must be, to remove from his councils those that advised the giving of such orders and instructions.

My lords, if this motion be agreed to, it will encourage lords to move for other papers, that may be necessary for our information upon this important occasion. Even the papers now moved for may shew us, that a thorough enquiry into our affairs is become necessary, that for this purpose all papers must be laid before us without reserve, and that therefore we must name a secret committee for inspecting those papers, that contain or mention any affairs which ought not to be discovered. But if this modest request be disagreed to, can any lord expect success in any motion of the same kind? And, I am sure, without having the proper materials before us, we can neither enquire into the conduct of past measures, nor give any advice to our sovereign with regard to future measures; therefore, my lords, upon this question, insignificant as it may appear to some, the fate of this nation, the fate of Europe, most, in my opinion, depend. If it is agreed to, we shall be able to search the ulcer to the bottom, and in that case we may find a remedy: but, if it passes in the negative, I shall expect to see the liberties of Europe, and consequently the liberties of this nation, overturned, by the same sort of conduct, by which they have been brought into their present danger.

The Earl of *Ilay*:

My lords; I shall be extremely ready to agree to an enquiry into any part of the conduct of past measures, as soon as a proper opportunity offers for that purpose; and I shall be so, I believe, for a reason very different from that by which some lords are swayed. I shall be for it, because I am convinced, it will fully justify our present ministers, and vindicate their conduct from all the aspersions that have been groundlessly cast upon any part of it so enquired into; but a general enquiry into the conduct of all past measures, especially such as just then happen to be upon the anvil, is unprecedented and dangerous for the public safety, and therefore, I shall never, for what I know, agree to it. Your lordships have often enquired into the conduct of a particular affair, or into the conduct of a particular expedition; but I remember no example of your having set up a general enquiry into all the measures of an administration; and as little do I remember your having enquired into any public measure whilst it was in agitation, or into the conduct of any particular expedition whilst it was in the prosecution, and not fully completed or laid aside. When the war is concluded, I do not know but your lordships may make a general enquiry into the management of the war, from the beginning to the end; or even during the war, you may pick out any particular expedition, when it is over, and no hopes of resuming it, and you may

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enquire how it was conducted, in order to find out the reason why it was not more fortunate; for when the event has proved as fortunate as could be expected, your lordships can have no occasion to enquire into it. But till the war is at an end, you cannot safely, and therefore ought not to set up a general enquiry into the prosecution of it; nor can you safely, and therefore ought not to enquire into the conduct of any particular expedition, till it is quite laid aside.

This, my lords, is what is meant by not setting up an enquiry *pendente bello*, and the admitting of this as a rule for your conduct, can be attended with no mischief to the nation, nor can it any way derogate from the privilege or usefulness of this assembly; for if your lordships should at any time be of opinion, that a war has been imprudently conducted, you may, even during the war, pick out some part of it, some one expedition which is quite over, and which you think has been the worst managed; you may enquire into that part of the war, and by that means you may remove the guilty from having any thing farther to do in the management of the war. Thus your lordships must see, that this maxim can be attended with no bad consequence, and the reason for admitting it is plain; because, by a general enquiry before the war is at an end, or by an enquiry into any particular expedition before it is quite laid aside, you would discover such secrets to the enemy as might prevent any future success.

That this would be the consequence of the present motion, should it be agreed to and complied with, is, I think, highly probable. It is certain, if the instructions and orders given to admiral Vernon are such as they ought to have been; what they are I do not know, for I never had occasion to see any of them; but if they are such as they ought, and such as I hope they will appear to be, there must be many articles in them, which will make it very improper to lay them before this assembly. My lords, to lay them before this House would be the same with publishing them; we may as well desire they should be sent to the court of Spain, as desire they should be laid before us; for when we consider how many strangers are daily attending our debates, and how many persons have free access to our table, we must conclude it impossible to keep any thing secret that is once laid before us. The exception which the noble lord was pleased to add to his motion, is no salvo for this objection; for there must be many things in the instructions, which do not relate to any expedition yet remaining to be executed, and, nevertheless, are such as ought not to be published. In the time of a very prudent and vigorous, though unlawful government, we had a war with Spain. An admiral with a strong squadron was then sent to the West-Indies, and in his instructions there was a particular description of all the Spanish forts and settlements in that part of the world, with very proper and just remarks upon each: There was likewise an account of all the informations we had relating to them, and the places where, and persons from whom, he might expect any advice or assistance. May we not from thence suppose, that the instructions given to admiral Vernon are of the same nature? Suppose they contain an account of all the strong and weak places in the Spanish West-Indies, and directions how each of them may with the greatest facility be attacked: Suppose they contain an account of all the secret intelligence our ministers have had from that part of the world for many years past, and the persons names who gave them that intelligence: Suppose they contain an account of the places where, and the persons to whom, the admiral might apply for future intelligence: Suppose they contain an account of the most defenceless places in our own plantations, and the methods which the admiral is to take for securing them. These suppositions, my lords, are not imaginary: I do not make them *ad libitum*: I make them, because it is highly probable they are true; and if they are, I am sure it would not only be improper, but vastly imprudent, to publish these instructions, which will be the case if you agree to the Address proposed, and his majesty complies with it; for such instructions cannot be positively said to relate to any expedition, yet remaining to be executed.

But if your lordships say, that such articles of the instructions, as contain all or any of the particulars I have mentioned, must be supposed to relate to all expeditions, whether already executed, or yet remaining to be executed, and are therefore within the exception the noble lord has been pleased to add to his motion: in this case, I shall grant, your address can do no harm; but then I shall be against it, because, from the arguments made use of in its favour, it must appear, that it can do

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no good, nor produce any effect; and I think it inconsistent with the wisdom and dignity of this House to offer an address to the crown, which can be of no service to ourselves or the public. This, I say, my lords, appears from what has been said by the noble lords, who have spoke in favour of the motion. They say, it is not possible to suppose admiral Vernon had any orders or instructions to attack Porto Bello, or the castle of Chagra: these are the only expeditions, the only designs already executed: what then are you to address for? For nothing. If the admiral had no instructions for either of these purposes, all his instructions must some way relate to designs yet remaining to be executed; and consequently you can expect nothing from his majesty in pursuance of your address. Thus it appears, that you must either mean to address for nothing, or for something that is inconsistent with the public safety; and in either case, it is what I cannot agree to.

I have often heard it said in our debates, that if lords were in earnest in their professions, they would agree to what was proposed. My lords, I hope I shall be excused, when I say, this is not parliamentary language. All sides are supposed to be in earnest in every thing they profess: charity obliges us to believe, that every lord is in earnest in what he says, and decency obliges us to avoid insinuating he is not. I know there have been examples of a contrary behaviour on both sides; but whatever clamours there may be without doors, the regard we owe to the august assembly of which we are members, should, upon all occasions, make us bridle our tongues, and be extremely cautious of using any harsh expressions, or making ugly insinuations, with respect to one another: Whilst we do this, we may be very easy about the clamours without doors; for it is a sort of parliamentary art, that has been practised by all parties, to make motions in parliament, which they know it is not possible for the opposite party to comply with, in order from thence to raise a groundless clamour without doors, that those who refuse to comply with such motions, are not sincere in what they profess.

I have already made one profession; I began, my lords, with professing, That I shall always be ready to agree to this House's enquiring into any part of the conduct of past measures, when a proper opportunity offers for that purpose. Whether or no I am in this believed to be sincere, is what I do not know; but I am myself conscious that I am, and therefore I shall, without scruple, to this add another profession or declaration, which is, that I shall always be ready to approve of our exerting our birthright, in giving our most sincere advice to the crown, with regard to future measures, provided it be done in a decent manner, and upon a proper occasion. From a great authority we have learned, that in a multitude of counsellors there is safety; but it is equally true, that in a multitude of counsellors there is no secrecy: This may shew us, upon what occasion it is proper for us to offer our advice to the crown. In affairs of a public nature, where all the circumstances may be communicated to us, without endangering the public safety, and when the affairs are of great importance to the nation or the crown, it is very proper for us to take them into our consideration, and to offer our best advice to the crown: But in all affairs of a secret nature, where many circumstances are such, that they cannot be discovered to a numerous assembly, without endangering the public safety, it is not proper for us to offer our advice, because we cannot be fully informed: at least we ought not, unless called upon by our sovereign to do so, and then, if we do, it can only be upon public and general appearances; therefore, even upon such occasions, when we offer any advice it ought to be with great deference to our sovereign's better information. For this reason, the wisdom of our constitution has entrusted the care and conduct of peace and war solely to the crown, because nothing relating to any treaty of peace ought to be published, till the treaty be finally concluded, and every thing relating to war ought to be resolved on and conducted with the greatest secrecy.

I shall grant, my lords, that the present occasion is extremely important: I shall grant, that a very wrong step in our conduct may be fatal to the liberties of Europe, as well as our own; but I do not see how your lordships can prevent it. The importance of the present occasion relates entirely to what the wisdom of our constitution has entrusted solely to the crown: It relates entirely to the conducting the war we are now engaged in, and the conducting such negociations, as may be necessary for preventing, or enabling us to carry on another. Can you, in either of these cases, with any propriety, offer

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your advice? You cannot pretend to offer your advice, as to the conduct of the war we are now engaged in, without having every circumstance relating to it laid before you; and this may occasion, instead of preventing, your ruin: You cannot pretend to offer your advice, as to the conduct of those negociations that may be necessary for preventing, or for enabling you to carry on another war, without having the present circumstances of Asia, as well as Europe, fully laid before you, with all the secret intelligence our government may be supposed to have, relating thereto; and this would not, I am sure, be a proper method to render any of your negociations successful. Therefore, I hope the noble lords, who seem to be so fond of our offering our advice upon this occasion, will excuse me, if I think they are desiring us to make a very wrong step, for fear our ministers should make one; and this I should be against, had I a much worse opinion of our ministers than I have.

In short, my lords, though I have a very great opinion of the wisdom of those, who at present happen to be the constituent members of this House, yet I am for trusting more to the wisdom of our constitution, than to theirs. Our ministers will for their own safety take the best methods they can think of, both for conducting the war, and for conducting our negociations; and if their own wisdom should fail them, I hope providence will direct them to take the most proper methods for bringing the war to a happy and speedy conclusion, and for preserving and establishing the liberties of Europe.

The Earl of *Chesterfield*:

My lords; though charity obliges us to believe, that all men are sincere, till the contrary evidently appears, and though decency often obliges us to avoid telling them they are not so; yet one cannot help a suspicion arising in one's breast, when we find lords professing their readiness to join in an enquiry, or in exerting our birthright of being the great counsellors of the crown, and yet upon all occasions opposing it, and in support of their opposition offering such arguments, as, if they were admitted, would render it impossible for this House ever to enquire into the conduct of past measures, or to offer any advice in relation to future. The noble lord says, we ought never to offer our advice in affairs relating to peace or war, that is to say, in any foreign affairs whatsoever, unless called upon by the king to do so. My lords, I know nothing else we can have occasion to offer our advice in, unless it be, whether the king shall go to the play or the opera, whether he shall shew mercy to a thief, or order him to be hanged, or something of equal importance; for in all domestic affairs of any great importance, our king, thank God! is limited by the laws, and ought not to transgress them, even though this House should advise him to do so. And as to our being called upon, we know from experience, that though this House be the hereditary great council of the crown, yet our advice is very seldom asked in a serious manner. Kings, my lords, are generally for consulting with such as are of their own chusing, and these are often such as have no dignity, privilege or right by their birth. We know, the greatest empire that ever was on earth, was once governed by the sole advice of a freed slave; and one of the greatest empires now in being is generally governed by the advice of a cabinet council of eunuchs, and such as they shall chuse for their privy council; therefore, if we never offer our advice, but when it is seriously asked by the crown, I am afraid we shall very seldom exert that privilege, which is our birthright.

How this House has of late years come to be so much suspected of blabbing, I do not know; but it is a very new doctrine, to say, that nothing can be communicated to this House, without making it public. The very first instance of our being refused any paper we thought necessary for our information, for fear it should be thereby made public, was in the year 1721: since that time, indeed, it has been commonly and frequently practised; and yet, whatever secrets our ministers may have had since that time, I do not think the nation had ever fewer in any equal period of time. This new doctrine therefore is not of above 20 years standing; and as I disapprove of many of the new political doctrines started in that period, so I likewise disapprove of this. I do not think it can be approved of by any lord who considers, that we can, whenever we please, shut every stranger out of the House: we may even shut out our clerks, or we may name a secret Committee of a very few members. This, I say, we can do; but we have no occasion to do so, till his majesty tells us that the papers he is to lay before us require it.

I must therefore lay it down as a maxim,

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that we not only may, but that we sometimes ought to offer our advice in affairs of peace and war, or in affairs of the most secret nature; and that, in order thereto, we may and ought to call for all papers that are necessary for our information. I say, my lords, we not only may, but sometimes ought to offer our advice; and our duty in this respect is to be determined by the notion we have of the minister's conduct, and by the general appearance of things. It is observed, that every author has a particular stile or spirit in writing; so, I believe, every administration, or every minister has a particular stile or spirit in his conduct: if we judge of the stile or spirit of our present minister's conduct from what is past, which is the only way we can judge, we must conclude, it is a blundering stile, it is an evil spirit. Can we expect, that he who gave admiral Hosier orders to persuade the enemy's ships to surrender, and to lie with his squadron, till it rotted, before a sea port which Mr. Vernon has taken with a fourth part of the force; I say, can we expect, that he will give proper orders to any admiral? Can we expect, that he who in 1727 allowed Spain to carry on a war for two years against us, without so much as attempting to give them one blow, will carry on the present war with vigour? Can we expect, that he who conducted our tedious negociations with Spain to the late most honourable convention, will conduct any negociation to a happy and honourable conclusion?

The noble lord told us, that we have no occasion to enquire into the conduct of an expedition, when it has met with all the success that could be expected: I say the same of our foreign affairs in general. When the sky all around appears to be serene, when no cloud seems to be hanging over us, we have no occasion to interpose by our enquiry and advice; but when the sky is overcast, when clouds appear ready to overwhelm us in a deluge, it is then the duty of this House to interpose, we ought then to enquire into the conduct of past measures, in order to give his majesty our advice about future.

Thus, my lords, if we consider the past conduct of our minister, if we consider the present appearance of things, we must conclude, that at this time it is our duty to interpose with our advice, and for that purpose to make a thorough enquiry into past measures, and into the present state of our affairs. Shall we trust the management of a war, which ought to be prosecuted in the most vigorous manner, to the advice of a minister, who, from the whole tenor of his conduct, appears to be pusillanimous and irresolute? In the dangerous state in which the affairs of Europe are at present involved, shall we trust the extricating of them to the advice of the very man who, for what we know, nay in all appearance, has been the chief cause of their being so involved?

Having thus, my lords, shewn, that we not only may, but sometimes ought to offer our advice to the crown, even with respect to foreign affairs, or the affairs of peace and war, and as a thorough enquiry is necessary for enabling us to give proper advice, therefore it is evident, not only that we may at any time, but that we sometimes ought to enquire into the conduct of such affairs. But suppose we were not upon this occasion to offer any advice to the crown, yet a general enquiry into the conduct of past measures may be necessary, in order to punish or remove a minister, who, we think, has given weak or wicked advice to our sovereign. Upon this subject, the noble lord who spoke last seemed to admit, that we may enquire into the conduct even of affairs relating to peace and war; but then says he, you must not make a general enquiry into the conduct of a war till it be concluded, nor into the conduct of any particular expedition, if there be any hopes of its being resumed, which, he says, is the true meaning of the maxim, that *pendente bello* no enquiry is to be made into the management of a war. I have already shewn, that the foundation of this maxim is false, because an affair may be enquired into by this House without the least danger of discovering to the enemy any secrets relating to it. But I must beg leave to examine this maxim, as the noble lord has explained it, a little farther.

Your lordships must allow, that it is our duty in this House to prevent a mischief when apprehended, as well as to punish the authors when it has been brought upon us: It is our duty to prevent the mismanagement of a war, as well as to punish those who mismanaged it. If incendiaries were setting fire to a house, it would be very ridiculous in the proprietor to sit still, and allow them to do so, in hopes of being able to apprehend and punish them after they have burnt his house down about his ears. Would not this be the very case, if it were to be admitted as

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a maxim, that for fear of discovering the secrets of our government to the enemy, this House must never enquire into the conduct of a war till it is concluded, that is to say, till by misconduct and bad success, we are obliged to submit to a dishonourable peace? Suppose the persons chiefly employed in conducting the war were traitors: suppose they themselves discovered all the secrets of our government to the enemy; would it not be ridiculous in this House, to suspend our enquiry for fear of discovering secrets, we had good reason to believe to be already discovered?

The noble lord was sensible of these ridiculous consequences from his maxim, and therefore he thought of an expedient: he told us, we might enquire into some particular expedition that had miscarried, and from thence find means to remove those that had been guilty of misconduct. But his expedient will, upon examination, be found, like all our modern expedients, good for nothing. Suppose the misconduct is in not prosecuting the war with vigour: suppose no one expedition has ever been undertaken, which is the present case, how will you remove the guilty by enquiring into the conduct of some particular expedition? Suppose the miscarriage of an expedition was not owing to those employed in carrying it on, but to the treachery of those that contrived and advised it, how will you discover or remove the guilty by enquiring into the conduct of that particular expedition? My lords, the expedient is equally absurd with the maxim. By an enquiry into the conduct of any particular expedition, the misconduct of under-agents and officers may be detected and punished, which is not the business of this house; but the misbehaviour or treachery of chief ministers, who are the only proper objects of our resentment, can never be come at, or they thereby removed from having any thing farther to do in conducting the war. This can only be done by a general enquiry, which therefore ought to be set on foot, or some steps made towards it, as soon as there arises the least suspicion of any misconduct.

This, my lords, is the present case. There is a suspicion that admiral Vernon had no proper orders. I think it is evident, either that he had no proper orders, or that he was not provided with a proper force; and therefore, I think, that in one or other of these cases a parliamentary censure must ensue. But before we can proceed, we must have a parliamentary knowledge, which of these cases we are to apply it to. If he had proper orders, our censure must be applied to his not being provided with a proper force. If he had no proper orders: if he had, as I suspect, no orders, but only a general order for reprizals, and to protect our own trade in that part of the world, we can pass no censure upon his not being provided with a proper force, because he had sufficient for that purpose. But then, I think, we ought to pass a censure upon his being sent out with such puny orders, against an enemy that merited our highest resentment.

From hence your lordships must see, how necessary it is to have his orders and instructions laid before us, because without them we can have no parliamentary knowledge how to apply our censure, and consequently can pass no censure, though every one of your lordships were convinced that we ought. If Mr. Vernon's orders are all right, and such as they ought to be, I shall most heartily condole with our ministers in case your lordships should put a negative upon this motion. But if your lordships do put a negative upon it, and I find the friends of our minister concurring in that negative, I shall hugely suspect, all is not right; for if I were to purchase an estate, and the seller should tell me, he had a very good title, but for certain reasons could not shew it me, I am sure, I should not believe a word he said, and much less pay him the purchase money.

The noble lord said, he could not agree to this motion, because, from the arguments made use of in its favour, it appeared we were to address for nothing: I shall grant, that if Mr. Vernon had no orders to attack Porto Bello or Chagra, his majesty can lay nothing before us in pursuance of this address; but it is this very nothing we address for. If his majesty returns for answer, that no part of Mr. Vernon's instructions relates to any expedition already executed, we shall then have a parliamentary knowledge, that he had no orders for attacking Porto Bello or Chagra; and if he had not, I will aver, he had no proper orders; therefore this address may have a very good effect for the public service, though his majesty should lay nothing before us in pursuance of it.

The fortresses of Porto Bello and Chagra, my lords, lay so open to our attacks, and it

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was so necessary for us to possess or demolish them, in order to open a trade with the Spanish settlements, that it was a most flagrant piece of misconduct, if Mr. Vernon had no order to attack them: It was, I think, a most flagrant piece of misconduct, not to send him out with a proper force for taking and holding them, at least during the war. But this we are told, would have brought the French against us, who have taken the alarm upon hearing only, that we were preparing to send a land force to the West Indies, and have therefore sent their squadrons thither, to prevent our designs; if they have sent their squadrons thither with this design, they can do no more, and as these squadrons will not, I believe, be able to prevent our designs, if vigorously executed, I hope we shall proceed. But I do not believe, the French intended to attack us, or to join openly with the Spaniards against us; I believe, they sent their squadrons thither, only to frighten us: they know from experience this may be done. We have for these twenty years generally begun with a sort of bullying, that is, with putting ourselves to the expence of fitting our squadrons, and augmenting our armies; but when we found that would not do, we have always grown as tame as chickens, and have allowed ourselves to be bullied out of, and into, every thing our enemies pleased to insist on.

No menaces from France can, therefore, be an excuse; and as I suspect, that such menaces were a reason with our minister, for not furnishing Mr. Vernon with proper orders, I am the more curious to see them; but the noble lord who spoke last has furnished me with a new argument, and such a one as I neither did, nor could before think of, for having these orders laid before this House. He says, he never saw them: this my lords, is very surprising: As the noble lord has said so, it must be true; and as he is not only one of his majesty's privy council, but also, I believe, one of his cabinet council, and without derogation I may say, as able a statesman as any lord in either, it is to me a proof, that Mr. Vernon's instructions were never under the consideration of his majesty's privy or cabinet council, and therefore, I think, they ought now to be taken into the consideration of this House, which is his majesty's great council: nay, we ought to consider this very point, why they were not laid before his majesty's cabinet council. The noble lord said, that in the multitude of counsellors there is no secrecy. It seems, there is some one of great influence about his majesty, who is of the same opinion, and therefore he took care, that no one should see these instructions but himself. This convinces me, they were not right, for if they had, I can see no reason for so much secrecy; and therefore, I think, we ought to address for them, that they may be altered or amended, for I doubt if this can be done in any other of his majesty's councils.

If there are no secrets in these instructions, my lords, but those of the nation, no harm could ensue from having the whole laid before us, because if they ought to be kept very secret, we could treat them accordingly. It is easy to make suppositions about what may be in them, but it is as easy to make suppositions of what may not be in them: I could make suppositions of this kind, which, from the stile and spirit of our minister's conduct, are more probable than those the noble lord has been pleased to make; and his lordship has owned his being in the same case with me; neither of us can assert. If then no harm could ensue, at least to the nation, from having the whole laid before us, surely no danger is to be apprehended from having laid before us the nothing, or the something, now proposed to be addressed for. But, my lords, according to the modern way of arguing upon all occasions, when papers are proposed to be addressed for, and with regret I must confess, according to the late behaviour of this House, we never can enquire into the conduct of a minister, till after his being dismissed the service of the crown: When he has lost that favour, upon which his influence depends, and is given up by the crown to be buffeted by the parliament, we may then, and not till then, have such papers laid before us, as are necessary for enquiring into his conduct. This, I say, seems to be the result of those arguments that have for some time prevailed in this House; but I hope it will never become an established maxim, for if it should, the parliament will then be made use of, not to buffet those that deserve it, but to buffet every man that happens to be so unfortunate, as to fall under the resentment of the chief favourite of the crown for the time being; which, in my opinion, would be a most terrible state of things; and as our agreeing to this motion will be one step towards preventing it, therefore I shall most heartily

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concur with my noble friend in the motion he has made you.

Lord *Hervey*:

My lords; in this debate, as well as a great many others of the same nature, I find the opinion of the populace without doors is very much insisted on, as if this House were obliged to enquire, and to censure, as often as the giddy multitude takes it into their heads, that the administration have been deficient in their duty, or mistaken in their politics. If this were the case, no minister could ever be easy, nor could any one session pass over without an enquiry and censure: every session would produce a new administration, and every year would give the populace the diversion of seeing a sacrifice made of some of the ministers or magistrates of the preceding, till at last, we should have neither minister nor magistrate in the kingdom; for what man of common sense would accept of a post in our government, if he were certain, that, before the end of the year, he would be sacrificed to the resentment of those, whom by the duty of his office he must disoblige? We should at this rate have nothing but anarchy and confusion amongst us; and therefore your lordships must see, that the opinions, the suspicions, or the clamours of the people without doors, can be no rule for your conduct in this House. In all your deliberations here, you are to consider what justice requires, and what may be most for the public good, without regard to what may be most agreeable to the people without doors. If you do this, you may contemn what is said against you, and despise those reproaches, which can have no foundation, but the ignorance or malice of the revilers.

For this reason, my lords, I shall give myself very little trouble about what may be thought of this question without doors, and as little shall I give myself any trouble about enquiring, whether it be intended as a previous step towards our giving his majesty advice with regard to future measures, or towards our enquiring into the conduct of past measures; because, whatever may be thought of it without doors, whatever may be intended by it within doors, I think our agreeing to it would be inconsistent with the public good. For proof of this I have already, in this debate, heard many strong arguments advanced, none of which have as yet been answered: I think them unanswerable. That the laying of such papers before us would discover the secrets of our government to our enemies; nay, that it might probably make enemies of those, who are now our friends, is, I think, evident to a demonstration. I know, my lords, it is not very complaisant to say, that nothing can be kept secret that is once laid before this assembly; but I would not flatter even this assembly at the expence of my country; and as I shall always chuse rather to be sincere than complaisant, I must join with other noble lords in saying, that no such thing can, in my opinion, be expected: Even the noble lords who have spoke in favour of the motion, seem to join in this opinion; and therefore have told us, that in case his majesty, in his answer to our Address, should say, that those papers contain secrets which ought not to be discovered, we may then appoint a secret committee for inspecting the papers, and for reporting such parts of them, as may be safely communicated, with their opinion upon the whole, to the House.

This I know, my lords, we may do; but upon such a report how can we proceed? We must either put an implicit faith in the report of the lords committees, or we can proceed no farther. If upon such a report we should proceed to offer any advice to his majesty, can any lord concur in offering that advice, without seeing all those papers, and knowing all those facts upon which it is founded? Without this knowledge, can he determine whether the advice be right or wrong? And will any of your lordships allow your name to be made use of for giving weight to an advice, which, for what you know, may be the worst that was ever given? Suppose, that upon such a report we should proceed to censure, would any lord be so unjust, as to join in censuring a minister's conduct, without knowing any of the facts upon which that censure was founded? The lords committees might say something in their own vindication; they might say, they had discovered in those papers such facts, as gave a sufficient ground for censure; but what could any other lord of this House say? They could say nothing but this: the lords committees thought the censure just, and therefore I believed it was so; which may be a Roman Catholic, but is not, I am certain, a Protestant sort of belief; and I am as certain that it would no way redound to the honour of the lord who said so, or to the character of this House in general.

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Suppose again, my lords, that upon such a report we were to proceed to a sentence of justification or approbation: Even this I should not chuse to agree to, without having very strictly examined into that conduct, which I am thus expressly to justify; but if the majority of this House should place so much faith in the lords committees, as to join in this sentence of justification, would this give any satisfaction, to the people without doors, or would it any way contribute to allay those clamours, which are now said to be so general against the conduct of the administration? My lords, the ministers know it would not, and therefore I am not at all surprised at their being against what must give your lordships a great deal of trouble, and can do them no service. They are conscious, I believe, that the clamours against them are without any real foundation, and therefore they despise them: Such clamours, they know, will subside of themselves, or will by the course of things be turned to the confusion of those that raise them; and for this reason, they do not desire your lordships should give yourselves any trouble about them. Should your lordships upon an enquiry be never so fully convinced of the wisdom, as well as uprightness of our ministers, yet your acquittal could no way stop the mouths of those that clamour without reason, nor could it give any satisfaction to the nation; because that acquittal would, probably, be founded on facts, which the public safety would not permit to be made public. Therefore, without communicating to the whole House, and consequently, I think, to the whole world, all the papers that are laid before you, it is, in my opinion, impossible for you to proceed, either to advise, censure, or justify; and as this, with regard to the papers now moved for, would be absolutely inconsistent with the public safety, I cannot agree to your presenting such an address as is now proposed; because I shall never be for this House's desiring anything of their sovereign, which, I think, he cannot grant without injuring the honour of the crown, or endangering the safety of the nation.

That this may be the case, is evident, I think, from the very nature of the papers now proposed to be called for. If the noble lord had been pleased to confine his motion to the orders given to admiral Vernon, considering the many motions of the same kind we have of late years had before this House, I should not have been much surprized at it; but to desire, that his majesty should lay before this House likewise the instructions given to that admiral, is something I think very extraordinary; for though a noble lord, who distinguishes well and properly in other cases, has in this debate confounded orders and instructions, yet there is certainly a very great difference. The orders given to our admirals are always signed by the lord high admiral, or the commissioners appointed to execute that high office; but the instructions, or some of them, may be such as are signed by his majesty alone; from whence it is evident, that they may contain secrets which are known to none but the king, and which he is in honour obliged not to communicate to any, but those that are to make the proper use of them. I know, my lords, that suppositions of any kind may be made, but there are many degrees in the reasonableness or probability of suppositions, and when they are made, we are to judge whether they are reasonable or no. In the present case, I shall for example suppose, that his majesty has a secret correspondence with some of the grandees or considerable persons in New Spain, and that he is upon honour engaged not to communicate the secret to any, but the admiral he sends into that part of the world. This, I shall grant, is a mere supposition; but it cannot be said to be absolutely unreasonable, if we consider how much the people of that country are dissatisfied with their government, and what a real advantage it would be for them to be freed from the yoke of Spain.

Now, my lords, if his majesty has, or ever had such a secret correspondence, he must have communicated it to admiral Vernon by means of an instruction signed by himself alone; how inconsistent then would it be with the honour of the crown, and the interest of the nation, especially with regard to our success in the present war, to have such an instruction laid before this assembly? The instruction may relate to a design already executed, and yet the persons that carried on this correspondence may still be in the power of the enemy: Their being apprehended and executed would be the certain and immediate consequence of a discovery; and after such a discovery, could this nation ever expect to have any correspondence with, or any intelligence from an enemy's country?

Such considerations as these, my lords,

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must shew us, that, let the consequence be what it will, we can never desire all papers to be laid before us, that relate to any foreign affair then in agitation, and yet this needs not hinder us from giving a general advice to his majesty, when we think it necessary; nor can it hinder us from censuring the conduct of a minister, if from circumstances publicly known, he should appear to deserve it, or if by chance any facts should come to light, that might afford reason for that censure. Last session we joined with the other House in giving a general advice to his majesty relating to future measures, without making a particular enquiry into any of those that were past: I did not then, I do not yet indeed think it was necessary for us to offer any such advice; but I concurred with other lords in agreeing to the request of the Commons, because I thought it was a good advice, and I hope our success in the war shall be such as may enable his majesty to follow that advice. In the same manner we may, upon any other occasion, make use of our privilege of being the hereditary great council of the crown, when, from the circumstances that are publicly known, we can determine what advice we ought to give; but in order thereto, we must not pretend to dive into the secrets of government, because it is inconsistent with the safety of the public, to lay them before such a numerous assembly.

This, my lords, I take to be the right doctrine with regard to advice; and with regard to censure, if from the general state of things, or from circumstances publicly known, the conduct of a minister should appear to be wrong, your lordships could certainly both censure and punish him, without any particular enquiry into the whole tenor of his conduct: Or if any of your lordships knew and could prove any particular facts against a minister, you would certainly give an account of them to the House, and have judgment upon them; nay, if any particular paper should be necessary for a proof of those facts, the House would, probably, agree to a motion for having it laid before us; but surely we are not to call for all papers relating to the conduct of public affairs for some years preceding, in order from thence to fish out an accusation against a minister.

According to these rules, my lords, we have no occasion for having the papers now moved for laid before us, because, if we think it our duty, we may, without seeing any of those papers, proceed to advise his majesty, or censure his ministers: but the affairs of Europe are at present in such a perplexed situation, that I do not think we can, from a general view of things, determine what advice may be most proper to be given to his majesty; and with regard to the conduct of the war, I am sure we have no reason, either from general appearances, or from any particular fact I have heard of, to censure any of his majesty's ministers. We have met with as few misfortunes, as, I believe, ever any nation did in a twelvemonth, or 16 months course of war, and we have done as much damage to the enemy, as could well be expected, considering how ill we were provided for carrying it on, when we were obliged to begin hostilities. I must suppose, that no friend of admiral Vernon's will say, he attacked Porto Bello, or Fort Chagra without orders: he bravely performed both these services, and if it had been proper to keep possession of these two places, which I much question, it could not be done, till we had sent a proper force to the West Indies for that purpose, which we could not do at the beginning of the war; for when a war breaks out between two nations, I shall always think, that defence at home is the first thing to be taken care of: therefore the best and the only thing we could do, was to give Mr. Vernon orders to demolish these forts as soon as taken; by which we not only opened a profitable trade for ourselves, but rendered it impossible for the enemy to get those supplies of treasure from America, without which they cannot carry on the war with vigour against us.

The Earl of *Halifax*:

My lords; I am sorry to observe, that it is now become a common topic in our debates here, as well as in our conversation without doors, that public praise ought to be despised, and the opinion of the giddy multitude altogether disregarded. This, my lords, is a most terrible symptom, if Mr. Addison be right in his observation; for in one of his Spectators, I remember, he observes, "We then only despise commendation, when we cease to deserve it." As I am acquainted with the noble lord who spoke last, I am convinced he will never cease to deserve commendation; but I was really in pain, when I heard him endeavouring to persuade your lordships to despise the opinions, the suspicions, and the clamours of the people without doors:

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I say, I was in pain, lest some of those who are not acquainted with his lordship, should think of this observation, which, I am sure, is very unjust, when applied to him. The desire of fame, the desire of applause is one of the most exalted, and one of the most useful affections of the human mind; it is so closely connected with our nature, that I believe no man can entirely rid himself of it; and therefore no man will pretend to despise the reproaches or the suspicions of his countrymen, but he that is conscious of their being just. A man of steady resolution will not allow himself to be carried away with every new opinion that prevails among the people; nor will he do what is wrong, in order to gain a popular applause; but surely he will not allow his character to lie under suspicion among his countrymen, if he can by any means clear it up: the multitude may sometimes be artfully led into a wrong way of thinking, or they may be induced to clamour without reason; but it is not the part of a good citizen to despise that opinion, or that clamour; it is his duty to endeavour to set the people right; and if the opinion or clamour be against himself, for the sake of his own character, as well as in duty to the public, he ought to take the most proper and the most speedy method for his justification.

This, my lords, is the duty of every private man, and much more is it the duty of a magistrate or minister. Even in absolute governments the ministers ought to take all proper methods for gaining the affections and esteem of the people, and consequently for removing every suspicion and clamour that may happen to arise against them; but in a free government, this is not only the duty of the ministers and magistrates, but they are under an absolute necessity to do so, if they have a mind to continue in their office: for the distinguishing and the sole sign of a people's being free, is that of their being governed by those laws and those men they approve of. If a law comes to be thought inconvenient, or oppressive, by the majority of a free people, it will be repealed; if a magistrate or minister comes to be hated or despised by the majority of a free people, he will be removed; and therefore, if in any country a law stands unrepealed for some time after it begins to be disapproved by a majority of the people, or if a magistrate or minister continues in office for some time after he begins to be generally hated or despised, that government is not a free government, that people have no pretence to call themselves a free people. For this reason, I am surprized to hear it said, that our ministers despise the clamours of the people, or that they do not desire your lordships' assistance for allaying those clamours: my lords, if they despise those clamours, if they do not desire to take the most proper and the most speedy method for allaying them, which is by an impartial parliamentary enquiry, I will affirm they have, or at least they think they have, found out another method of governing, another method of preserving their power, than that which is the only method in a free country, I mean the esteem and affections of the generality of the people; and if they have any such thoughts, I hope they will soon find themselves disappointed.

A general clamour, my lords, must be a terrible thing to any minister: in absolute governments it at last produces mobs and insurrections: in free governments it will always produce a legal enquiry into his conduct, and often (for such a clamour is seldom raised without just ground) a legal condemnation. In case of any clamour, though far from being general, if a minister be conscious of his own innocence, he will desire, he will promote an enquiry, he will insist upon its being made with the utmost strictness, and by those who are least suspected of being partial in his favour. But when ministers are for concealing their actions, and keeping them all in utter darkness, I must always suppose their actions are such, as would appear black and horrid in the light.

That there is at present a most general clamour against the late conduct of our public affairs, no man can be ignorant, whatever he may pretend. The people clamoured against our conduct in peace, they now clamour against our conduct in war; and in both, I am afraid, their clamours are not without reason. This clamour, my lords, is not among those that are disaffected to his majesty, or to the present establishment: upon the contrary, instead of clamouring they smile, they rejoice in the general uneasiness they see among the people. The clamour is among those who are the best friends to our present happy establishment, and their uneasiness is increased by their having nothing to answer to the sarcasms of those who are its professed enemies, but with Phaeton to say,

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—— "Pudet hæc opprobria nobis.
"Et dicta potuisse, et non potuisse refelli."

As your lordships sit here by an hereditary right, you may not perhaps think yourselves so much obliged to take notice of the clamours and complaints of the people without doors, and therefore may wave giving yourselves the trouble to enquire into the conduct of our public affairs, either for the justification or condemnation of our ministers; but if the other House does not, I must suppose, that a majority of that House have no regard, either for the esteem or affections of those they represent, and consequently, that, upon a new election, they depend upon being re-chosen by other methods than are consistent with our constitution. From hence one may soon determine, whether the constitution of our government be as yet entire; for if this session should pass over without an enquiry's being set on foot in the other House, and the same members should be generally re-chosen, as have now seats in that House, I shall conclude, that our constitution is at an end, and that a majority of the members of the other House are not, as they should be, the representatives of the people, but the creatures and tools of the court.

This, I say, my lords, I shall conclude; and this, I believe, will be the conclusion that will, from these circumstances, be drawn by most men in the kingdom, which will of course very much increase the discontents and the murmurings of the people; therefore, if our ministers are sensible, that the present clamours are without any foundation, it is very much their interest to have their conduct justified by an enquiry during this session of parliament; nay, suppose they have been guilty of some failings, it is their interest to have an enquiry now set on foot; because they have many more friends in the present House of Commons, than they can expect in the next, considering the humour in which the people are at present, unless they are resolved to add a most heinous crime to their former failings, by making use of some corrupt or illegal means for influencing the ensuing elections.

Thus, my lords, it is evident, that if our ministers are innocent, if their conduct has been wise and upright, it is not only their duty, but their interest to have it strictly enquired into, in order to have it justified in the eyes of the people, and to make their continuance in the administration consistent with the very essence of a free government; and if they are guilty, I am sure it is our duty to enquire into their conduct, in order to remove them from the administration, and to prevent the nation's suffering any longer by their misconduct. In the former case, they are obliged, for their own sake, to lay every paper before us, that is necessary for giving us a full view of their conduct; and in the latter, we should, for the sake of our country, oblige them to do so. Even in the courts below, parties are often ordered to bring into court all papers relating to the suit depending; and if any one refuses, he will be committed for a contempt. How then can any one doubt this House's having a power to call for any paper we think necessary for clearing up a matter depending before us? But we are told we must not do so, because we should thereby discover the secrets of our government to our enemies, which is inconsistent with the safety and welfare of our country. This, my lords, is in other terms saying, that it is inconsistent with the public good, for this House ever to enquire or advise; for we can do neither, without having before us those materials that are necessary for our information; and if it be inconsistent with the public good to lay such materials before us, it must be inconsistent with the public good for this House ever to enquire into past measures, or to give our advice about future.

But every one knows, and the noble lord who spoke last seemed to admit, that the secrets of the government may be as safely committed to a committee of this House, as to any committee of his majesty's privy council, or even as to one sole counsellor. His lordship, however, started a new objection, by saying, that we could not proceed either to advise, censure, or justify, upon the report of that committee; nor would the nation be satisfied with any justification founded upon such a report, because the lords committees could report nothing but their opinion, and their opinion could not be a foundation upon which the other lords of this House, who had seen none of the papers, could proceed to advise, censure or justify; or if we proceeded to justify, the nation would not join with us, in placing an implicit faith in the opinion of the lords committees.

This, I confess, my lords, is something new, but it seems to be founded upon a

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most obvious mistake; for surely we are not to suppose, that if all the papers relating to our late public transactions were laid before a committee of this House, that committee would find no facts worth reporting, but those that are of a secret nature, and ought not therefore to be discovered. The committee would certainly report many facts; they would prove those facts by whole papers, or by extracts from such as could not be wholly communicated; and they would give us their opinion upon the whole. From thence every lord of this House, and if the report were published, every man without doors might judge for himself, and from his own knowledge: we might advise, we might censure, we might justify, and the nation would join with us in an opinion they saw supported by such incontestable vouchers. But what are we now going to do? We are going to resolve, if this question passes in the negative, that the papers moved for contain most important secrets, only because the friends of our minister say they do. This is really putting a more implicit faith in our minister, than the Roman Catholics put in the Pope; for, I think his holiness is himself obliged to pronounce his infallible decrees. Will the nation join with us in this? Will they not join in saying, that our faith proceeds from something else than conviction?

But suppose the lords committees should report nothing but their opinion, I shall not say, that upon their opinion the House could proceed to condemn a minister; but even upon their opinion we might proceed to advise his majesty, with regard to future measures; we might proceed to justify the conduct of our ministers; we might even proceed to advise his majesty to remove some of them from his councils. In this last, I am persuaded the far greatest part of the nation would join with us; and if the opinion of the committee went in favour of our late conduct, I believe very few of those, who oppose this motion, would refuse their assent to that opinion: nay, if we made a right choice of lords committees, I believe their opinion would have great weight with most people in the nation. I could name several lords now in this House, whose characters are so well established, that if, after a strict enquiry and full information, they should report, that they could find no fault with any part of our late conduct, but that they could not give their reasons, because they depended upon facts which must not be discovered: I say, such a report from them would, I believe, gain credit with the greatest part of the nation, and would very much contribute towards allaying those clamours that are now so loud and general.

For confirming what I say, I must observe, my lords, that one of the chief complaints against the conduct of the war, is, that admiral Vernon either had not proper orders, or that he was not provided with a proper force for carrying those orders into execution. That he had not a proper force for attacking the Spaniards at land, is publicly known, and must be admitted; but in excuse for this it is said, we were in such danger at home, that we durst not venture to send any of our regular troops out of the kingdom at the beginning of the war. Here then, are two facts in question, whether admiral Vernon had proper orders, and whether we were in any such danger; and, I believe, nine tenths of the kingdom are upon the negative side of the question with regard to both. Now, if we should appoint a proper committee, and that committee, after having seen all they could desire to see, should report barely their opinion, that admiral Vernon was furnished with proper orders, and that the government had certain advice of such a dangerous insurrection intended, that it would have been very imprudent to have sent out any of our regular troops, I am convinced, that all the friends to our present happy establishment would give credit to this report, and would from thence cease their complaints against this part of our conduct.

I have said, my lords, a dangerous insurrection intended; because, unless our government had certain advice of such an intention, they can plead no excuse for not sending a sufficient land force along with, or soon after admiral Vernon. Considering the weak condition of Spain, and the bad condition the naval force of France was in at the beginning of this war, we could not have been in any danger from a foreign invasion, even though we had sent every regiment of foot we had in the kingdom to America: whereas, if we had sent but one third part of them thither at the beginning of the war, we might have forced Spain to a *carte blanche* before this time. Whether our ministers had certain advice of any such insutrection intended, I shall not pretend to determine; but if they had not, I will say they ought not to have allowed themselves to be

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frightened from a vigorous prosecution of the war in the most proper place, by any threatenings of an invasion, either from France or Spain; and I think it is highly probable, they had no advice of any such insurrection intended; for if they had been informed of any such design, we should certainly before now have had the Habeas Corpus act suspended, and many persons of note taken into custody. Therefore, if our ministers, or the friends of our ministers, should oppose an enquiry into their conduct, or, which is the same thing, our having those materials before us that are necessary for an enquiry, I shall be apt to suppose, the opposition proceeds from a consciousness of their guilt, and not from the danger of discovering the secrets of government, by laying any papers before this assembly.

In the case mentioned by the noble lord, of his majesty's having a secret correspondence with any of the subjects of Spain, which he is in honour obliged not to communicate to any, but those he employs to make the proper use of the intelligence thereby received, I shall grant it would not be right in us to desire, that such a correspondence should be communicated to us; but this, my lords, is no argument against the present motion; because, if his majesty should, in his answer to our address, acquaint us with any such circumstance, it would be our duty to thank his majesty for his care of the public, and to desire, that such a correspondence should not be laid before this assembly.

From such arguments as these, his lordship concluded, that we never can address for having all papers laid before us relating to any foreign affair, whilst it is in agitation; that is to say, we never can enquire into any such affair, whilst our enquiry can be of any service to the nation; for what signifies an enquiry into an affair after it is past remedy, or into the conduct of a minister after he is laid in his grave? But this his lordship said could not hinder us giving a general advice to the crown, or censuring a minister's conduct, from circumstances publicly known, or from facts that have accidentally come to light. My lords, as to advice, I am sure it can never be of any service to the crown, if it can never be founded upon any thing but circumstances publicly known, but as to censure I am afraid his lordship's argument will, upon the present occasion, turn a very different way from what he intended. From the general state of things, from the circumstances that are publicly known, our minister's conduct must be condemned: it is already censured by the whole nation: it is laughed at by the whole world: we do not, therefore, want an enquiry in order to fish out an accusation against him; for, from public appearances, his conduct accuses itself; but it is from the justice, the lenity, and the moderation of this House, that we desire an enquiry, in order to fish out, if possible, an excuse for his conduct. We want to enquire into secret circumstances, in order to see if those secret circumstances can any way atone for public appearances; and if the minister prevents this enquiry, under any pretence whatsoever, I shall suppose, that the private circumstances of affairs are as much against him, as those that are public, and consequently I shall be for our proceeding to censure, without any previous enquiry.

I was really surprized to hear the noble lord say, we have met with no extraordinary misfortunes during the war. It would seem, as if his lordship conversed with no merchants; or if he did, they were such as dealt more in Change-alley, than upon the Royal Exchange. It was not possible for the Spaniards to attack our dominions; it was not possible for them to attack our squadrons; they could only attack our defenceless merchant-ships; and in that they have had such surprizing success, that it would seem as if they had a license to do so. How this neglect of our trade can be accounted for from the private circumstances of affairs, I do not know; but I am sure it is impossible to account for it from those circumstances that are publicly known; and as little can we from such circumstances account for our not sending a proper land-force to the West-Indies at the very beginning of the war. Surely, it must be allowed, that if we had sent but one third of the troops we had then on foot, to the West-Indies at the beginning of the war, we might have done a great deal more damage to the enemy, and might have reaped much greater advantages for ourselves, than we have done; and nothing, as I have said, can excuse our not having sent such a body of troops thither, as soon as we declared war, but our government's having had private advice of a dangerous insurrection's being intended at home. Thus our conduct of the war, both with regard to offence and defence, stands condemned by all public appearances, and can

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be justified by nothing but private circumstances, which we now want to enquire into; and as we cannot do this without having the papers now moved for before us, therefore, as a friend to our ministers, if they are innocent, as a friend to my country, if they are guilty, I must be for agreeing to what my noble friend has proposed.

The question was then put, and passed in the negative. Contents 57: Not Contents 35.*

Protest against rejecting the said Motion.] The rejection of this motion produced the following Protest:

"Dissentient,

1. "Because we conceive, that the calling for all instructions given to generals and admirals, is not only proper and precedented, but is also a necessary step towards the exertion of our privilege, as hereditary counsellors for advising the crown, which privilege can be properly exercised only in matters depending. And, if from pretended apprehensions of unseasonable discoveries, instructions are to be kept secret from this House, till after they have had their effect, the weakness or guilt of the measures of an administration will appear probably too late to punish the offenders, but certainly too late to prevent the mischief.

2. "Because we do not find any negative put upon motions for instructions before the year 1721; from which time, indeed, instructions began to be of such a nature, that we do not wonder their authors desired to conceal them. The instructions by which our fleet lay in shameful inaction before Gibraltar, when besieged, and suffered the enemy's ships to bring ammunition and provisions to their army, and those by which three admirals, about thirty captains, above one hundred lieutenants, and four thousand private seamen, perished most ingloriously at the Bastimentos, create, as we conceive, a just suspicion of all subsequent instructions flowing from the same source, and, in our opinion, evince the necessity of the strictest enquiry, and most ample informations in this important conjuncture.

3. "Because the motion under the limitations which accompanied it, was not even liable, as we apprehended, to the modern objection of making improper discoveries of future designs; and it is impossible to conceive, that when admiral Vernon sailed from hence with so small a force as five ships only, and before the long-wished-for declaration of war, that his instructions could contain any thing more than orders for reprisals: Since, considering his insufficient force, any orders to attempt even what he so happily and unexpectedly executed, would have been contrary to the genius, and inconsistent with the too long-experienced pacific disposition of the administration.

4. "Because, that as the West-Indies were allowed by all lords in the debate to be the proper scene of action, we think it our duty more particularly to attend to the conduct of the administration in those parts; especially since, from the time of the declaration of war, till very lately, that important scene of action seems to have been neglected or forgot; while, as we apprehend, the slightest alarms have been fondly credited as reasons for keeping our numerous forces at home, to the oppression of the people; whereas a small proportion of them, timely employed in the West-Indies, against a then unprepared and unprovided enemy, might probably have enabled vice-admiral Vernon to have brought this just and necessary war to a speedy and happy conclusion.

5. "Because we apprehend that the denial of these necessary lights in the first step of the enquiry, not only casts a damp upon the enquiry itself, but must also lessen the weight of any resolutions that may be taken in the course of it. The nation that so unanimously expects and calls for an enquiry into a conduct, which at best seems to them unaccountable, if not blameable, will be confirmed in whatever suspicions they might entertain, when the lights necessary to remove those suspicions are denied; and should we settle

* "It was generally thought, that this motion was grounded upon the secret intelligence which Vernon himself had sent to the gentlemen in the opposition; it was but weakly supported, and the arguments for it had no degree of authenticity. They went as far back as the expedition of admiral Hosier in the West-Indies; in which, the friends of the motion said, 3 admirals, about 30 captains, above 100 lieutenants, and 4,000 private sailors, perished most ingloriously. Mention was likewise made of the behaviour of the English fleet, which, when Gibraltar was besieged, tamely suffered the enemy to supply their army with all kind of provisions. But these arguments being far from sufficient to support the motion, it was rejected, by a majority of 57 against 35." Tindal.

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to any vote of approbation, such a vote may perhaps be misconstrued to be an influenced complaisance to the administration, the dictated result of a pretended enquiry founded only upon imperfect facts, and partial representations.——*(Signed)* Bathurst, Chesterfield, Carlisle, Bridgwater, Middleton, Aylesford, Willoughby de Brooke, Thanet, Denbigh, Bristol, Greenwich, Westmoreland, Shaftsbury, Cobham, Haversham, Talbot, Litchfield, Halifax, Gower."

*Debate in the Lords on a Motion for Letters from and to Admiral Vernon.**]

As soon as the above debate was over,

Lord *Bathurst* stood up and said :†

My lords; Notwithstanding the bad success of my former motion, I shall venture to make you another, which, I hope, will not appear to be liable to the same objection. I can at least say, that it does not appear so to me, though, I confess, I may probably be mistaken; for with regard to my former motion, I thought I had fully guarded against the objection, which your lordships have found sufficient for throwing it out. However, I shall lay before your lordships the motion I have thought of, and then you may determine, whether you will agree to it or no; it is, in short, this: To resolve, "That an humble address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House copies of all letters written by vice admiral Vernon to the commissioners for executing the office of lord high admiral of Great Britain, or their secretary, and to his majesty's principal secretaries of state, from the time of his sailing from England in the year 1739, to the 24th of June last; and also copies of all letters written by the said commissioners, or their secretary, and the principal secretaries of state, to the said vice admiral, within the said time."

My reason for making you this motion, my lords, is, because I have heard it con-

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* From the London Magazine.

† *From the Secker Manuscript.*

Dec. 1. Motion for Letters from and to Admiral Vernon.

Bathurst. Wishes the previous question had been put rather than the motion rejected. For in 1721, there was a protest upon refusing lord Torrington's instructions to be asked for, and it is said in it, that there was never any instance of refusing to call for admirals instructions. And it was then thought by every body, that there was something wrong in those instructions, and reparation was made for the ships destroyed by him. And now it appears since, that all was justifiable. [NB. Nov. 15, 1721, it was moved to address for lord Carteret's instructions as minister to the Northern crowns, and the motion being rejected, it is said in the protest that this is "the first instance where "lords have moved for a sight of instructions of "any kind, and have not been supported by the "House in that motion." And Jan. 25, 1722, the treaties, instructions, and orders, relating to sending squadrons into the Baltic, moved for, and the motion rejected, and in the protest it is said, no such motion had been refused till of late.] Hath another motion to make: "That copies of all Letters from vice admiral Vernon to the admiralty or secretaries office or from them to him be laid before the House, excepting as before."

Newcastle. All letters relating to the condition of the fleet and the stores: but all letters in general, will be less proper to be called for than the instructions.

Bathurst. There may be other things besides the condition of the fleet wanting to be known. Perhaps he hath complained for want of land forces. It is the general opinion that there hath been occasion of complaint, and letters to that purpose are handed about.

Chancellor. His letters on occasion of his instructions may be less proper to appear than the instructions themselves. They may contain his opinion where we, or the Spaniards are strong or weak, &c. In 1694, the motion was only that the commissioners of the Admiralty lay before the House the orders which they had given: those which the king had given were not asked for, amend to motion by adding, "So far as they relate to supplies of ships, men, stores, ammunition, provisions, and other necessaries."

Argyle. Will consent to no other words than those first moved. Never saw the instructions, though general of the army and cabinet counsellor. There is more than one cabinet. Those of the king's cabinet know little. He supposes, perhaps not without foundation, that Vernon may have found fault with the conduct of the administration, and may have said things that would have justified the motion of last year. The ministry have not had success enough in the course of their administration to justify confidence in them. Would be more tender in enquiries, if there were reason to think they were doing their best with any skill. But they have thrown away money lavishly in their preparations, and he hath as little faith in them, as 99 in 100 of the nation have.

The Motion, with the Amendment, passed without a division.

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fidently reported without doors, that admiral Vernon has in his letters frequently represented the weak condition of the Spanish forts and settlements in America; and that if a few land forces should be sent to him, before the enemy could find an opportunity to provide, fortify, and strengthen themselves in that part of the world, it would probably be in his power to make such important conquests in America, as might soon oblige the enemy to sue for peace; besides this, my lords, I have likewise heard it confidently reported without doors, that the same admiral has frequently complained, not only of the want of naval stores, ammunition, and provisions, but also of the badness of those he carried along with him, or that were afterwards sent to him; and that these complaints were often and long made, before care was taken to send him any proper supply.

These reports, my lords, are certainly such as this House ought to enquire into: if they are well founded, I am sure, considering the great army we had on foot, and the large annual supplies we have for many years granted towards the support and repair of our navy; I say, my lords, considering these things, I am sure somebody ought to be punished, if it should appear that admiral Vernon made any such complaints or representations: and if these reports are without any foundation, we ought to enquire into them, in order to justify his majesty's government in the eyes of his people; for it is one of the greatest advantages our sovereign reaps from our happy constitution, that his government cannot be misrepresented to the people, if he allows our constitution to take its proper effect; because an impartial parliamentary enquiry will always set the people right, and convict the malicious of falsehood. We may therefore depend on it, that when any reports are spread to the prejudice of the administration, no minister will ever advise his master to obstruct an impartial parliamentary enquiry, if his conduct be blameless; and if it be otherwise, it is the duty of this House to set it in its true light, before the eyes of our sovereign.

This, my lords, is not the first time the government, as well as those employed by the government, have suffered by groundless reports. It was confidently and generally reported, and for many years believed, that sir George Byng attacked and destroyed the Spanish fleet, in 1718, without any instructions from hence, and without making the least intimation of his design to the court of Spain. No man doubted of our having a right to attack that fleet, because it was sent to attack one of our best allies; but every man said it was wrong in the admiral to attack it without proper orders for that purpose, and every man said, it was wrong to give such orders, without first requiring the court of Spain to desist, and declaring to them, that we would attack them, if they proceeded in their design. Thus, both the government and sir George Byng lay under a heavy imputation of guilt, till very lately that the affair has been cleared up by publishing his orders, and the steps he took for giving notice of them to the court of Spain; from whence it appears, that he had express orders for what he did, that these orders were duly intimated to the court of Spain, and that in this whole affair at least (whatever may be said of our preceding negociations for giving Sicily to the emperor, without reserving the right of reversion, vested by the treaty of Utrecht in the crown of Spain) we did nothing but what was right, nothing but what was consistent with the nicest punctilio of honour, with regard to Spain, and nothing but what we were in honour obliged to do, with regard to the emperor. I wish the same sort of conduct had been pursued till this time: if it had, neither the affairs of this nation, nor the affairs of Europe, would have been in the melancholy posture they are now in; but as a new planet soon after began to get the ascendant in all our councils, and to spread its malign influence over the whole scheme of our politics, we then began to lay down different maxims, and, to the ruin of this nation, to the confusion of Europe, these maxims have ever since been pursued.

This, my lords, was the true reason that prevailed with a majority of this House to refuse calling for sir George Byng's instructions in December 1721 *: A part of this House, of which I glory in having been one, were for having those instructions laid before us, in order either to justify his late majesty's government, or to punish those that had been guilty of what was then thought to have been a most rash, a most dishonourable, and most pernicious step, either in the admiral, or in those that gave him his instructions: but by the influence of our governing

* See Vol. 7, p. 935.

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planet, we had then laid down the maxim so invariably pursued ever since, of suing for peace instead of doing what was proper to command it, and of cultivating a friendship with the House of Bourbon, at the expence, and even to the destruction of the house of Austria.

In pursuance of this maxim, my lords, we had, the summer before, concluded a separate peace with Spain, without taking the least notice of our ally the emperor, and at the same time a defensive alliance with France and Spain, which could be designed against none but the emperor. But what was worst of all, by our treaty of peace with Spain, we had owned our having been in the wrong, by promising to restore all the ships we had taken from them in the year 1718; and therefore it was necessary for our new minister, who, I must suppose, had advised our suing for this peace, and agreeing to this article, to continue the nation in a belief, that something wrong and dishonourable, with regard to Spain, had been done in the year 1718, and that we had been led into that measure by the artifice of the court of Vienna. If sir George Byng's instructions had been then laid before this House, the contrary would have appeared; and in that case the whole nation, as well as this House, must have condemned the two treaties I have mentioned, which would have tumbled our new minister headlong from his seat, before he had had time to fix himself in the saddle. For this reason he prevailed, by I do not know what means, with a majority of this House, to put a negative upon that motion, though no negative had ever before been put upon any such motion in this House, which, I must observe, is expressly taken notice of in a Protest entered upon your journals at that time, and as that Protest was signed by the lords Cowper and Trevor, who must be allowed to have been good judges of our constitution, and expressly mentions the journals to have been searched for that very purpose, I must suppose, it was the very first time that ever such a question had been carried in the negative.

These, my lords, are the reasons which have induced me to make you this second motion, and I cannot think it is liable to the objection that was made against the former. I am sure it cannot be said, that by this motion any secrets will be discovered, that are known only to his majesty and Mr. Vernon. But if your lordships should suppose, that some of these letters, or some parts of some of them, may relate to designs yet remaining to be executed, and that it would be dangerous to lay them before this House, lest it should occasion a discovery, you may add to this motion the same exception I added to my former; and in that case, I think it impossible for the most fruitful invention to find any reasonable objection to it; therefore, I hope I shall have better luck upon this occasion, than I had with regard to my last motion.

The *Lord Chancellor:*

My lords; I am sorry I differ so widely from the noble lord, as I do with regard to both his motions. The last I give my negative to, because I thought the address thereby proposed, was such a one as his majesty could not comply with; and I shall never be for this House's going with a request of any sort to the king, when it appears upon the very face of it, to be such a one as his majesty must necessarily refuse to grant. My opinion of this second motion is the very same; and I think it is hardly possible to shew any material difference between the two motions. If it would have been of dangerous consequence to have had all Mr. Vernon's instructions laid before us, which your lordships were of opinion it would, certainly it would be equally dangerous to have all his letters laid before us; because the letters from and to him, or at least many of them, must relate to his instructions, and must contain several explanations, or perhaps alterations, and additions to them: So that if it be of dangerous consequence to have his instructions laid before this assembly, lest the secrets of our government should be thereby discovered to our enemies, it must, for the same reason, be equally dangerous to have his letters laid before us; and consequently, every lord who gave his negative to the last question, must, in my opinion, give his negative to this.

I hope, my lords, it will not be questioned, that I am as much for vindicating his majesty's government against all malicious aspersions, as any lord in this House, or as any man in the kingdom; but I shall never be for vindicating his majesty's government by endangering his majesty's government; for, I think it is much better that the conduct of the administration should for a while labour under some groundless calumnies, than that the safety of the nation should be brought into danger, or the success either of our nego-

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citations or arms prevented, by endeavouring to remove such calumnies. The noble lord himself shewed, by the example he brought, how groundlessly the government may be aspersed by ignorant or malicious men. There never was, I believe, a measure more generally exclaimed against by the people of this nation, there never was a measure more maliciously aspersed and misrepresented by the enemies of the present establishment, than our attacking the Spanish fleet in the year 1718; and yet, we find, our ministers thought proper to leave the government exposed to these misrepresentations, rather than justify it by laying sir George Byng's instructions before this assembly. Their motive for this could not proceed from what the noble lord has been pleased to assign; because, though the famous South Sea Scheme had occasioned some changes, yet several of those very lords continued then in the administration, that had been in it, and had advised that measure in the year 1718; and we cannot suppose, that these lords would have joined in refusing to call for sir George Byng's instructions, if there had been no other motive for that refusal, but that which the noble lord has been pleased to assign. The true motive certainly was, they thought it was inconsistent with the public good, to have those instructions published at that time, and therefore they refused to address his majesty for what they knew it was not proper he should comply with.

This, my lords, I am convinced, was the true reason for a negative's being put upon that question; and if there was no precedent for that negative, I believe, it was because there was no precedent for such a motion. The case relating to sir George Rook and sir Cloudesly Shovel, mentioned in the protest upon that occasion, was no precedent for that motion; because in that case the motion was only for the orders given to these two admirals, which, as a noble lord has shewn in the former debate, are very different from instructions; the former being signed by the commissioners of the Admiralty only, whereas the latter are signed by the king; and it often happens, that an admiral's orders may without danger be made public, when his instructions cannot. Therefore, I think, we cannot upon this occasion follow a better precedent than that in 1721; for it must be allowed, that the case is much stronger now than it was at that time. The House may with great reason suppose, that it would now be more dangerous, and of much worse consequence, to discover the instructions given to Mr. Vernon, than it could have been at that time, to discover the instructions given to admiral Byng; and if we suppose, it would be of bad consequence to discover the instructions given to admiral Vernon, we must suppose it would be of equal bad consequence to discover the letters that relate to those instructions, which most of the letters to and from that admiral must be supposed to do. Nor would the exception proposed to be added by the noble lord, any way mend the matter; for this exception, as in the former case, would make the letters and paragraphs laid before you so incoherent and confused, that no man could make any thing of them.

Thus your lordships must see, that it would be very improper for us to agree to the noble lord's motion as it stands, or as he has proposed to amend it; but as I am for giving that noble lord, and every lord of this House, as much satisfaction as possible, if he will agree to the adding of some few restraining words, I believe his motion may be safely complied with. He says, it has been reported without doors, that admiral Vernon has often desired supplies of ships, men, naval stores, and other necessaries, and that the sending of any such has been neglected or long delayed, after he had in his letters complained of the want of them. This is, indeed, a heavy charge against the administration, and as the communicating to this House the letters to and from him, relating to these particulars, cannot, I think, be of any bad consequence to the public, therefore this charge may, I think, be safely removed, and the conduct of the administration vindicated. For this reason, I must beg leave to propose the adding, by way of amendment to the noble lord's motion, these words: "So far as such letters relate to any supplies of ships, men, stores, ammunition, provisions, or other necessaries." And if your lordships agree to this amendment, I shall then be for agreeing to the noble lord's motion, which, I hope, will give him some satisfaction, though perhaps not all the satisfaction he desires.

The Duke of *Argyle*:

My lords; I do not rise up to repeat any of the arguments made use of in favour of the former motion, or to answer any of the objections made to it; but as something new has been started in this

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debate, I hope, your lordships will indulge me in making a short reply to what has been said by the learned and noble lord who spoke last. Through the whole of what he said upon this new question, he seemed to look upon it as admitted, that nothing that required the least secrecy could be safely communicated to this House. From hence your lordships may see, how cautious you ought to be of doing any thing that may tend toward establishing this as a maxim of our government; for if this should ever come to pass, you will have less confidence from your sovereign, you will be treated in a more contemptible manner by his minister, than the writer of the London Gazette. An affair of state may be communicated by way of hint to a gazetteer, it may be known to all our news-writers, but the august House of Peers will be thought unworthy of being trusted with the secret. If you should ever allow yourselves to be treated in so contemptible a manner by any minister, can you from thenceforth look for any respect from the people? Can you be of any service to your king by advising? Can you be of any service to your country by enquiring?

My lords, the making use of this argument upon any occasion, is, in my opinion, the highest indignity that can be offered to this assembly; and therefore I must say, I am sorry to see it received with patience. I cannot pretend to any great learning in your journals; but, I am persuaded, many examples may be found, where papers of the most secret nature, and of the highest importance, have been communicated to this House, when called for; nay, I have good reason to believe, that such motions were always agreed to by the House, till the year 1721; because I find among the protests of that year, a protest entered against the negative then put upon a motion for laying before this House the instructions given to a noble lord I have in my eye, as his majesty's minister or plenipotentiary to the crown of Sweden, or any other of the northern crowns: and that negative is there said to be the first instance to be found in our journals, where lords have moved for a sight of instructions of any kind, and have not been supported by the House in that motion.

The year 1721, I must therefore, my lords, look on, as the fatal æra of this modern maxim; which, I confess, has been as inviolably, as imprudently admitted by the conduct of the House, ever since that time. In the same year a negative was put upon a motion for laying the new treaty with Spain before this assembly: and in the same year a negative was put upon the motion for sir George Byng's instructions, as has been already mentioned; for this last negative, the noble lord who moved you this question, has, in my opinion, given you what was very probably the true reason. I shall grant, that there were several lords at that time in the service of the crown, who had been in that service, and some of them perhaps in the administration, in the year 1718; but we are not to suppose, that every lord that is in the service of the crown, is likewise in the administration of the government; for a lord may be in a very high office under the crown, and yet know nothing of what is doing in his majesty's councils: These very instructions to Mr. Vernon, which are now said to contain secrets of such high importance, were made known, I believe, to very few of his majesty's great officers of state; at least I can answer for myself, that I never saw them; and yet I was at that time commander in chief of his majesty's forces, and one of his cabinet council. But your lordships must observe, that we have now two cabinet councils in this kingdom; his majesty has one, and the minister has another; and I am afraid it often happens, that his majesty's cabinet council knows little or nothing of what is doing, or intended to be done.

This, my lords, was perhaps the case in the year 1721; and if it was, we are not to suppose, that every lord then in any high office under the crown, was made acquainted with the true reason for putting a negative upon that motion; They knew it was resolved on by the king's principal favourite, that a negative should be put upon the motion; and as they thought it a matter of no great moment, they chose rather to be passive in the affair, than to come to an open breach with their sovereign, which every faithful subject will avoid as much as possible; because, by a little compliance in matters of small moment, he may afterwards be able to rescue his sovereign out of the hands of evil counsellors, or prevent his being led by them into more pernicious measures. Whether any of those who were in the administration in the year 1718, concurred in this negative in 1721, I do not remember; but if they did, it could not proceed from their believing, that the communicating of sir

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George Byng's instructions to this House would be of any dangerous consequence to the nation. These instructions are now published, together with an authentic account of that whole affair; and I defy the most artful or the most consummate politician in this House, or any other assembly, to shew how it could have been of any bad consequence to the nation, to have published them in the year 1721.

Their publication at that time, my lords, might probably have been a most signal benefit to the nation; because it would have opened people's eyes, and might have made both Houses of parliament join in condemning that treaty with Spain, which I look on as the sole cause of all the insults we have since met with from that insolent nation; because our unaccountable fondness for peace at that time, gave them an opinion, that they might safely treat us in any manner they pleased. If that treaty had been condemned by both Houses of Parliament, I believe, it will be allowed, that the minister who was the principal adviser of it, would have been in great danger; therefore we may reasonably suppose, that it was at that time, as it has often been since, not the danger the nation might be exposed to, but the danger the minister might be exposed to, that was the occasion of a negative's being put on the motion for having sir George Byng's instructions laid before this House; and if any of the old ministers joined in that negative, it was because they hoped, by temporizing a little, to be able to get their sovereign out of that pernicious train of politics he had been led into by his new minister.

To excuse the negative then put upon that motion, and to get free of the precedent in 1694, great pains have been taken, in this and the former debate, to make a distinction between Orders and Instructions; and it has been said, that in 1694, the motion was for orders only. My lords, I have not examined that journal, and therefore from my own knowledge cannot say, whether it was so or not; but the distinction is, I think, unworthy of this House: It might perhaps pass well enough in the courts below, where wrangling about words is generally the chief part of the argument; but in this House, I hope, it will never be indulged. Whatever difference there may be in the forms of issuing or signing orders and instructions, they are in effect the same: They both equally relate to the expedition upon which the admiral is sent, and both must be equally obeyed: If either House of Parliament were to enquire into the conduct of a naval expedition, and should address for the orders given to the commanding officer, I should look on it as a pettyfogging sort of advice, if any one were to advise his majesty, that in pursuance of that Address, he was to lay nothing but the orders before parliament, which are usually conceived in very general terms, and refer to the instructions for more particular directions; and therefore no man that is not of a wrangling sort of disposition, would suppose, that the parliament did not mean by such an Address to have all sorts of orders laid before them, whether they were such as by the little clerks of the office are properly called orders, or such as are by them properly called instructions.

But, my lords, I am no such slave to precedents as to think, that we can take no step unless there be a precedent for it, or that we may do whatever our ancestors have furnished us with a precedent for doing. I shall always be for making some use of my own understanding, and if upon mature deliberation I think any step right, I shall be for it, though warranted by no precedent: if I think it wrong, I shall be against it, though warranted by an endless string of precedents. That we have a right in this House to advise the crown, that we have a right to enquire into the conduct of ministers as well as to prevent mischief as to punish it, is admitted; that we can in most cases do neither, without having the most important secrets of government laid before the House, or before a secret committee, is indisputable; and therefore I shall always disdain the maxim, that no papers supposed to contain any secrets of government ought to be addressed for by this House.

For this reason, my lords, I think, there is no occasion for the amendment proposed by the noble lord that spoke last: I think it inconsistent with the dignity of this House to agree to it. It is not the misconduct of little underlings in office we are to enquire into and punish in this House: it is the misconduct of chief ministers. Whereas, if we agree to this motion, with the amendment proposed, it will be a standing testimony upon our journals, that chief ministers are too high for this House to meddle with; and if we should ever begin to think so, we can then only detect the negligence or corruption of inferior officers, but the dangerous errors of

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chief ministers must remain concealed, till some terrible misfortune or general distress involves them in the common ruin of their country.

My lords, it is generally suggested, and I believe, there is some truth in it, that Mr. Vernon has in some of his letters complained of our conduct in general, ever since the war commenced, and that he has given his reasons for those complaints. As he is in, as he is well acquainted with that country where the war ought to have been most vigorously pushed, those letters are absolutely necessary for our information; we must have them before us, if we resolve to do what the whole nation, I may say the whole world, expects from us. These letters will, I am persuaded, justify the motion which was made, but disagreed to, at the end of last session of parliament when we had the state of the nation under our consideration; therefore, I must be against the amendment, for if it should be agreed to, I shall, for the sake of the honour of this House, be against the motion.

The question was then put, and the motion carried with the Lord Chancellor's Amendment.*

Protest against the Addition to the said Motion.] The following Protest was entered:

"Dissentient.

"Because we conceive these restrictive words will prevent the House from receiving that information which we think absolutely necessary: for if vice-admiral Vernon, in any of his letters, has given it as his opinion (as it is generally believed he has) that with a moderate number of land-forces he could have made such important conquests in America, as would have brought our enemies before this time to sue for peace, this House had, as we apprehend, a right to see such letters, without which, we conceive, this enquiry can only tend to detect the negligence or corruption of inferior officers, and the capital errors of the ministers themselves may remain concealed." (Signed as before at p. 755.)

*Debate in the Lords on a Motion for Rear Admiral Haddock's Instructions.**] Dec. 8. The Earl of *Sandwich* stood up, and said:†

* "This motion, as it stood, was very exceptionable, because it tended to publish to the world, the future operations which admiral Vernon might design to execute. The court lords, therefore, proposed an addition to it, which was, "So far as such letters relate to any supplies of ships, men, stores, ammunition, provisions, and other necessaries." This amendment, after some debate, was carried, but it turned out greatly in prejudice of the minister; because, in some of the letters the admiral complained bitterly of the stores that had been sent him; and, in a passage of one of his letters, he complained, that they were not good enough for a Spithead expedition." Tindal.

* From the London Magazine.

† *From the Secker Manuscript.*

Dec. 8. Motion for Rear Admiral Haddock's Instructions.

Sandwich. Applies to the House in favour of a great man who hath suffered under unjust imputations. Our ministers at home have secured themselves against censure in the most effectual manner. But the brave admiral Haddock hath been continued where he could do nothing, and tied down by such instructions that the only imputation upon him is condescending to act under them. If he could not have made conquests, he might have obstructed the enemies commerce, harrassed them by making descents, blocked up their fleets, hindered them from sending forces to Majorca, and provisions to their ports, and from joining with a most formidable ally. Therefore produce his instructions. The enemies can take no advantage of it. There hath indeed been no war on those coasts. Once there was a powerful fleet at Toulon, 5 ships at Carthagena, squadrons at Cadiz, and Ferrol. Possibly then it might have been dangerous to let instructions be known. But we complaisantly let them all go by and join. There can therefore be but one reason for not letting all be known, and it is not ungenerous to suppose the worst of those who will not clear themselves. Motion, "That copies of the several instructions to admiral Haddock from his sailing in 1738, to Midsummer last, be ordered to be laid before the House."

Halifax. This motion will do service to the nation, though it should be rejected: for sooner or later, these matters will be known. Several other papers necessary to trace the absurdities in this war to their author. But the escape of the French fleet from Cadiz is what the fate of the war may turn upon. It is said the orders which produced this were ambiguous, and objected against as such before they went. If so, the fault is on the ministry. If they were clear, and sir Charles Ogle mistook them, he was not fit to go to the West Indies. The inactivity of Haddock, must be owing to a ministerial commander at home: a man who hath done so good service to his country cannot be

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My lords: although I cannot pretend to great experience, yet if I know any thing of the constitution of our government, when from all circumstances that are publicly known, there seems to have been an error or neglect in the conduct of public affairs, it is the duty of this House to make some enquiry into that error or neglect, in order to give advice to our sovereign, and satisfaction to our country. That conduct may, upon a full information, appear to be right, but if at first view it appears to be

suspected, but one who hath never done any may. The Spaniards have gained every point as effectually as if we had had no squadron on their coasts. They transported men from Barcelona to Majorca, in the face of our fleet: they got their five ships from Carthagena, and they all went triumphantly to the West-Indies. This question will determine, whether the manager of the war shall think himself accountable to parliament or at liberty to blunder on from bad to worse. The Romans frequently recalled their consuls, and examined them in the senate, *pendente bello*. The Turks frequently depose their Grand Viziers. In 1702, sir G. Rooke's instructions were laid before the House, and approved. In 1729, Hosier's instructions were laid before the House, and had a proper use been made of them we should not have had occasion now to complain of a conduct like that, which destroyed him and 4,000 of his sailors.

A long silence.

Newcastle. Against the motion as it now stands: but will move something to answer the view it was made with. Part of these instructions were previous to the war. If these should contain only orders for reprizals, great fault will be found. If more, as perhaps they did, to say nothing stronger, then it will appear that 10 weeks before the war, hostile instructions were given. Will it be for the interest of England, that we should declare in this manner that we were the aggressors? Thus, if the administration shew all, they will hurt their country: if not, they are thought not to have done their duty. Every thing that relates to the Spaniards coming out of Cadiz, may be laid before the House. And if the motion the other day had been turned in a different manner, lords might have had all the light they desired. Enquire about the disposition of Haddock's squadron, and the changes of the stations, whether he had not orders early enough to go before Cadiz: he was there in 30 days after sending the orders from hence: Whether afterwards there was not reason for his going into the Mediterranean? He kept the Spanish fleet at Cadiz, for 10 months, and prevented an attack on Gibraltar. Sir George Rook's instructions related only to one particular attempt which miscarried, and the queen in her speech desired it might be enquired into. Sir Charles Ogle's going away was an unfortunate step. Look into the causes of that, and the two cases will be parallel. There may a time come, and he hopes there will, when every thing shall be brought to light. Then lords will have the same satisfaction which the world hath had in admiral Byng's case. The five ships mentioned by the two lords as having escaped from Carthagena are there still.

Carlisle. The duke is capable of making all the objections that can be, and yet hath made none of weight. What harm can there be in knowing there were letters of reprisal, or even hostile orders 10 weeks before the war, when Spain had been at war with us above 10 years. If we were aggressors, whom should we offend? Allies we have none. Lords who should have known the instructions did not know them. Perhaps they come only from the man who declared himself forced into the war. What hope can there be from such a one? Instructions were formerly, seldom indeed, scarce ever refused, because they were such as ought to be given.

Ilay. Nothing more disagreeable than egotisms: but he is now forced to one. There was no occasion for Vernon's instructions to be shewn to him. He hath a considerable office in Scotland, is a privy counsellor, sometimes called to give his opinion. The secretaries receive orders from the king whom they shall call to advise him. The cabinet council is a common phrase, but not *nomen jures*. The fewer see instructions the better. The secretaries can tell the House whether there be *a* minister *a* manager of the war. These are not parliamentary ways of speaking. This day's debate is the same as that of Vernon. Lords of great abilities, and little experience, speak improperly in saying, "we are refused, &c." In point of form, there is no precedent to order such papers as these to be laid before the House.

Bathurst. There are several precedents, as 29 November, 1692, 11 December, 1693, 13 November, 1702, 21 November, 1702, Ordered that the instructions given to the duke of Ormond be laid before the House on such a day. [This the only instance produced of such an order.] 1 February 1703, Ordered that prince George be desired to lay instructions, &c. [This comes near it.] 15 December 1707. But whether the motion be in the form of an order, or address is not material. Orders have been given to the lord chancellor to lay a list of justices before the House. [Lord Somers.] The House hath dwindled of late years, and nothing can bring you so low as to refuse enquiries. Suicide is worse than murder. You will be ground between the king and the Commons. They have worked you out of several things of late. No bills containing pains and penalties, permitted to be changed now. He hath had the honour to sit in that House, and accounts it one to sit amongst persons zealous for their own privileges. We are sometimes told, that we are to take notice of nothing in

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wrong, every lord in this House who is not let into the secret of affairs, has a right to desire satisfaction; and if it be such as is generally complained of, he is in duty bound to desire an explanation, when it can be had without doing a manifest injury to the public. This is my way of thinking, and therefore I hope your lordships will excuse me, if the motion I am to make should be thought improper.

It is now above a year and a half since reprisals were resolved on, and above a

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parliament but what appears in a parliamentary way. Let this be a rule on both sides, and let us know nothing of these instructions but what appears so. If they are refused, modern precedents will efface the ancient ones, and we shall come only to register the edicts of the House of Commons. Not the meanest city company would bear to have their privileges destroyed. Bishops should remember they fell first, and the rest of the lords can perhaps get places in the House of Commons which they cannot.

Delawar. In 1692, there were mutual complaints between the admiral and the secretary: now none. And history [bishop Burnet] says, the discontented lords had got the Jacobites and jealous Whigs to assist them. Nothing of this now. Therefore the cases are not at all alike. Lords have spoke of the dignity of the House. Doth this audience contribute either to that or to secrecy?

Talbot. If the fewer see instructions the better, then if one person only sees them, it is best of all.

Westmoreland. Every body should speak out. Haddock's inactivity must have arisen from an insufficient plan, or fluctuation of counsels. It comes from that man who hath been principal in bringing the sorest calamities on this nation, a Spanish advocate, who hath been so far confederate with the enemy, and espagnolized as to treat the merchants of England with the highest contempt and outrage. Your ears are tender, and the expression should not be used but with the utmost brutality, who hath prevailed so far that the king hath been bereft of the counsel of one of the most eminent for his zeal, to whom every military man in the kingdom looks up as his superior, the single man capable of conducting the war to its true point: and this only for refusing to join with one of guilty hands, and for exerting his right as a peer of the realm, and bringing to light the insufficient puerility of the most shameful thing that ever minister attempted to cram down the throats of the people. The nation is made a sacrifice to the immeasureable rapaciousness, and childish *all*-sufficience of a sole minister. If some lords have light into these instructions, it will be hard to let others sit in darkness.

Cholmondeley. The danger of this motion is infinitely greater than of the last. And as for the description that hath been made, is it possible that the king, the parliament, and the rest of the minority, should bear such a creature!

Romney. Call only for the instructions since the declaration of war. And what can they disclose? If it be a design on any single place, that is not of such consequence as this motion. There cannot be another Catalonian affair intended. If there were, let it be prevented, that a brave people may not be sacrificed a second time. Therefore, see the instructions: if they are wrong correct them; if right give them a sanction.

Argyle. That a majority were against seeing Vernon's instructions, can only be accounted for by their having too much faith. Now, faith may be necessary to remove mountains, but not to do justice. If all were seen, the House would think either unable or ill men have conducted the war. It was not thought in 1702, that any thing could be so much a secret as to be improper for the House to see. What spirit hath been shewn of late years needs not be mentioned: there are enough in the nation that do mention it. Bishop Burnet was of all mankind the most idle story-teller; his friends were always frighted, when he stood up to speak in the House. He hath told a long story of sir G. Rooke, to whom he had an aversion, every word of which a great man who was present hath declared to be a lie. Burnet might have said, as well as the things quoted from him, that there were also persons who rather than part with their places, would vote that black was white to keep them. Formerly the council was the administration. It was divided into several committees; some had care of one part, some of another. The cabinet council was then called the committee for foreign affairs. When one encroached upon another, the nation always complained if the rest of the council did not. The great Duke of Buckingham set up a cabinet council of his own, whence every thing came. Four or five people cannot transact the business of a nation, unless they be persons of different kinds. Formerly, if the administration was in commission, it was to so many privy counsellors who had no pay for it. The project of modern commissioners was a parliament job, to make more places. And one or two direct the rest. French orders always are drawn so exactly that nobody can mistake them. But here scarce any are given, but they are designedly ambiguous. He hath received such, complained of them, and suffered for it. If the person who receives the orders succeeds, the giver takes the merit; if not, the fault is thrown upon the other. Vernon's orders were probably, first to make reprisals; then, in general terms, to annoy the enemy. He indeed said he was satisfied. Another person would probably have desired further explanation, and have been in the right. Had he lost his six ships in the attempt on Porto Bello, he would have been punished. No one thing hath been right in

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year since war was declared against Spain: when the reprisals were issued, every man in the kingdom foresaw, except those who should have foreseen, that a declared war would be the consequence of those reprisals; and therefore every man in the kingdom, except the persons concerned in our administration, condemned that method of beginning hostilities. Even though we had supposed, that a declared war would not be the certain consequence, yet considering the nature of our quarrel with

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the fleet or the army. He saith not this from pique. He wants nothing, and never will ask any thing of either this or any other administration. When men attack their country instead of their enemies, it is a duty to speak his mind and he doth it.

Chancellor. Gave his vote not from faith, but because the motion would have done prejudice to the public. And now Haddock's service is still continuing: he doth not desire to be justified, and talk of people without doors is not a reason for making things known. The admiral's character shews there is no need of asking for his instructions. There is no order or address of the other House extending to instructions. In the case of the duke of Ormond and sir G. Rooke, the service was over, and the thing enquired into was but one; the reason of the failure at Cadiz. In 1692, the Commons voted thanks to admiral Russel, but some reflections on him having been thrown out, at his desire, they ordered papers to be laid before them. Then this House took up the matter: it came to conferences between the Houses, and ended in nothing. Sorry for the methods which have been taken to raise the indignation of the nation: such as have not been used before. Knows of no such monster, as hath been described, and will serve with no such. There is as much zeal in every one of the administration to carry on the war in a proper manner, as in this House. The question being only about the prudence of the motion, the dignity of the House cannot suffer by rejecting it. Another thing doth diminish its dignity; admitting all kinds of auditors to your debates. This makes them be what they ought not to be, and gives occasion to saying things which else would not be said. Part of the clerk's oath is to keep secret what passes in the House: and the House admits every body. It is hoped lords will consider this. This is the freest government in the world, and he hopes will continue so. But liberty should not be used merely for the sake of using it, nor so as to disable the government from defending itself.

Chesterfield. Never were instructions so necessary to be seen: nor reasons for asking for them so clear of objections. They relate to the most unaccountable part of the most unaccountable conduct of a war, that ever was: and in action of above two years without one single attempt. But if we cannot see them, we must remember who gave them; the same who hath given instruction for 20 years inactivity. They are called for, not by a deluded or disaffected, but a brave and loyal people. More need to call for these than Vernon's. He hath done something: Haddock nothing. What can there be in his instructions dangerous to tell? He sailed before the Convention was recalled: came back as far as Gibraltar: was ordered to stay: blocked up Cadiz, whilst the Spaniards were not ready to come out: when they were, he withdrew: suffered the Spaniards to fill Majorca with troops, without intercepting any of them. Then probably he had orders to protect Minorca: were these clear, or were they not? Upon this the Spaniards got to Ferrol: sir Charles Ogle was ordered to the West Indies, and Balchen sent before Ferrol to keep them in. But hearing afterwards that they could not sail, Balchen was recalled to inforce a squadron that never sailed: upon which the Cadiz and Ferrol squadrons sailed: after which, and not before, an embargo was laid upon provisions. Orders for Haddock before the war, for reprisals nobody will blame: and any other orders nobody will believe there were. So there is no danger from shewing them. In Rooke's case one, attempts miscarrying, though another succeeded, was thought a reason for calling for instructions. But here no attempt hath been made. The House ought to go to the top, and not enquire into petty larceny. That will be carrying on the enquiry like the war, and there will be an end of it: and if it is to be such a one, it is fit there should be an end of it. If the instructions be refused, all suspicions are just, 'omnia dat qui justa negat,' a Scipio may tear his papers, when he can say, Come let and us thank the gods, &c. But if they do so, who cannot get ten men in the nation to thank God for any thing they have done, they are all but legally convict. All the dangers of seeing admiral Russel's instructions were neglected, because he desired they might be seen. Shall not the desire, then, of the House, of the nation, be regarded? They are not called for *flagrante* but *languente bello.* Unjust methods to raise unjust indignation, are detestable, but so are misrepresentations of the sense of the people who have never once universally been in the wrong. The nation thinks and feels itself oppressed. They have had a peace of 20 years, and are in as bad a condition as at the beginning of it. The war hath first been long delayed, then carried on at a terrible expence, but not one national achievment performed. The oppression of the people in taxes is immense, and it is amazing how they can support it. Lays in his claim, that whatever may be done after refusing the instructions may not be thought an enquiry, and surely the administration will not be fairly acquitted by it.

Hervey. The restraining clause in the last motion is omitted in this: which is reason

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Spain, the method of reprisals was the most improper we could take for obtaining redress. When a nation has been no way injured, but in its property, or in the property of its subjects, reprisals may then be sufficient for obtaining reparation; but when a nation has been insulted, and its most valuable rights not only invaded, but expressly denied, an immediate declaration of war is the only proper remedy. In such a case, to think of contenting ourselves with reprisals only, was but a new pattern of that irresolute conduct, of which we have of late years given so many and such destructive examples.

As reprisals were not a proper method for putting an end to such a contest, and as we might have foreseen, that the certain consequence of reprisals would be a war, we should, in my opinion, have begun hostilities by a declaration of war, and that declaration of war should have been attended with immediate and vigorous attacks upon the enemy in every part of their dominions, where we could either hurt them, or gain any advantage to ourselves; for as we are a trading nation, our trade must suffer by every war we can be engaged in, and therefore we ought to begin and prosecute every war with the utmost vigour, in order to put an end to it with the utmost dispatch. The right we are now contending for, is of the utmost consequence to us: It is a right without which this nation cannot long remain in its present splendour and power; and therefore I hope we shall soon be able to establish it, by obliging the enemy to acknowledge it in the most express terms, and not as usual, by a general confirmation of former treaties; but if by a languid prosecution of the war, we should not be able to accomplish this just and desirable end, in a short term of years, even this right which is now so valuable, may come to be of very little consequence; for after we have entirely lost our trade and navigation, a freedom of trade and navigation will not be so valuable as it is at present; and if we consider the present circumstances of Europe, if we consider that all our rivals in trade are in profound tranquillity, and at liberty to pursue their trade without interruption, whilst ours lies exposed to all the dangers and inconveniencies of war, what have we not to dread from a long continuance under such circumstances? Our case is now very different from what it was during the war in queen Anne's reign: Many particular merchants might then suffer, but our trade in general could not suffer, nor could it be undermined by any of our rivals, because they were then engaged in war as well as we. If our merchants paid high freight and insurance, our rivals then did the same: If

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enough against it. Haddock hath defended Gibraltar and Port Mahon, hath blocked up Cadiz, and obliged the Flota to unload. He had not ships enough to do every thing that might have been wished. The orders sent him might not be ambiguous but discretionary.

Carteret. If he had instructions to detain the Flota, he had the worst in the world. Locking them up, is saying we will not take them. All the property on board them is Spanish property, as he hath formerly proved: and we should have waited for them not at Cadiz but in the West Indies.

N. C. 58. Of whom I was one.
C. 41. Of whom were bishop of Lincoln, Lichfield, and Hereford.

Argyle. The papers relating to the forces which were ordered are not yet laid before the House. Perhaps laid before another person first. But as the affair of the state of the army is soon to come before the Commons, it should be considered here without loss of time. Take it into consideration to morrow, and summon the House.

Ordered.

Newcastle. Hath a motion to make: but begs leave to observe first that the lords in the minority were of different opinions, whether the Flota ought to have been kept in or not, and that it could not be suffered to sail without suffering the men of war to sail: that our two valuable possessions were defended: and what could Haddock have done more without landforces; and would the House have had supplied with such. Motion, "To address that copies of the several orders given to admiral Haddock from his sailing in 1738, to Midsummer last, so far as they relate to the sailing or stationing his squadron or any part of it, or changing their stations, be laid before the House."

Carteret. The Flotilla was ready: the men of war were not. The Spaniards deceived us by a pretended design on Minorca. Not proper to make any attempt on Old Spain with land forces.

Argyle. Is very indifferent about this motion. Gibraltar needs little defence from our fleet, for it cannot be come at or taken but by famine; and there are or ought to be always six months provisions there. Indeed, if the Spaniards could land in Minorca with necessaries to attack St. Phillips, they might afterwards get supplies from Majorca by night and take Port Mahon, for all places may be taken that can be come at. But 4 or 5 ships are sufficient to prevent their landing.

The Motion agreed to.

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our merchants lost one cargo of goods bound to any foreign market, they got the better price for those that safely arrived; but now they can expect no such advantage: On the contrary, our merchants will be undersold by our rivals at all markets, and in all sorts of goods; and consequently, in this war our trade in general, as well as particular merchants, must suffer by the captures we lie exposed to.

If this, my lords, had been duly considered by those, whose duty it was to consider it, surely the war would have been begun in a different method; at least, after it was declared, it would have been prosecuted in a different manner. I shall say nothing of what has been done, or rather what has not been done in the West-Indies: As that matter has already been fully explained in a former debate, I shall now confine myself entirely to the Spanish dominions in Europe, where, I think, we might have done much greater hurt to the enemy than we have done, or so much as attempted to do. Are the Spaniards invulnerable in Old Spain? Is it impossible to burn a ship in any of their harbours? Is it impossible to land and kill a chicken, or sack a country village upon any part of their coast? From our conduct in the war, one would really be apt to think so, if the contrary were not notoriously known. There are very few harbours in Spain, if any, which we might not have entered, and burnt every ship in the harbour; and with regard to their sea-coasts, except just in the neighbourhood of their fortified towns or camps, we might have landed wherever we had pleased, and might have plundered and laid waste the country for several miles together, before they could have brought a superior force against us. I shall not say, that the nation, or that our troops could have got any immediate advantage by such attempts; but by so doing we might have so hurt the enemy, and harrassed their country, as would have made them soon tired of the war; and this in its consequences would have been a great advantage to the nation, by bringing the war to a speedy as well as honourable conclusion.

Instead of this, my lords, what have we done? We have been at the expence of keeping a squadron upon the coasts of Spain ever since, and for some time before the war began; but that squadron has all along remained in a most unaccountable state of inaction. In my opinion, it has rather served to protect than injure the enemy; for as soon as we issued orders for reprisals, this squadron was stationed in view of the bay of Cadiz, lest any of their merchant ships should venture out, and thereby expose themselves to the danger of being taken by our men of war or cruisers. I shall not say that this was really the design of placing our squadron in that station; but if we consider those circumstances that are known, it would seem to have been so: There was then in the harbour of Cadiz a fleet of merchant ships full loaded, and almost ready to sail for the West-Indies: There was likewise a squadron of men of war not near fitted out. Our squadron continued on that station till all the enemy's merchant ships were unloaded and laid up; but as soon as their squadron of men of war was fit for proceeding upon any voyage, our squadrons all retired from Cadiz, some into the Mediterranean, and some to Gibraltar, without so much as leaving an advice boat, so far as I have ever heard, to give them notice of the enemy's sailing. Accordingly the enemy took advantage of the opportunity we had thrown in their way: Their squadron sailed from Cadiz to Ferrol, and from thence, without the least disturbance, to the West-Indies.

My lords, I do not say it was wrong to allow their squadrons to sail. I think we ought from the very beginning to have given both their squadrons and merchant ships full liberty to sail out of their ports, since we were resolved not to attempt any thing against them while they were there; but then we should have taken all possible care to pursue or interrupt them as soon as they did sail. We got hold by great chance of one of their men of war, by allowing her to sail out of port, which we should never have done if we had followed our wise scheme of confining all their ships close within harbour. I say by great chance; because, I believe, it will not appear that our intercepting the Princessa man of war was owing to any advice we had received, or any scheme we had formed. But we had not so good luck, nor indeed was it possible for us to have so good luck, with respect to the Cadiz squadron; because we did not offer to pursue it, either in its passage from Cadiz to Ferrol, or from thence to the West-Indies; and yet we had, I think, at that time, one squadron at Gibraltar, and another gone to do, I know not what at Port-mahon; for suppose the Spaniards had a real design against that place, which, I

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believe they never had, three or four men of war would have done as well for preventing it as ten times the number, because the enemy could have no squadron to convoy their transports.

I know, my lords, it will be said, that the protection of our trade in the Mediterranean, and the preservation of our possessions in that part of the world, was of great consequence to the nation, and that both have been secured by means of that squadron which we have kept in the Mediterranean and before Cadiz. But can this be an excuse for our squadron's undertaking nothing against the enemy? Are we to declare war against Spain, and then think of nothing but our own defence? If our squadron had burnt the ships in every harbour of Spain, if it had landed troops from time to time, and plundered and laid waste their open coast from one end to the other, our possessions might have been equally well protected, our trade would have been much better protected, than it has been; for whatever may be said by some gentlemen in the city, whose chief trade consists in making the most of the distresses of their country, it neither has been, nor will be said by any number of real traders, that either in the Mediterranean, or upon the coasts of Portugal, our trade has been so well protected as it ought, and might easily have been, against such a nation as Spain, which has not above two or three ports where their privateers could put into and remain with any safety, if we were to make the best use of that power which God Almighty has put into our hands.

But whatever errors we may have committed, whatever neglects we may have been guilty of, with regard to our conduct in the Mediterranean, or upon the coasts of Spain, I am far from imputing them to the gentleman who has the command of our squadron in that part of the world. From that gentleman's character in life, from the whole tenor of his former behaviour, I must suppose, that he would willingly have acted for the honour and advantage of his country, to the utmost of his power; that for this purpose he would have ventured his life with pleasure, and therefore I must impute the whole of our misconduct to those who gave him his instructions. In their favour there is nothing to plead: From their character in life, from the whole tenor of their former behaviour, it must be supposed, the whole nation does suppose, their instructions were such as no brave man could receive with pleasure, as every true British commander would peruse with indignation. This, I say, my lords, is the opinion that generally prevails without doors. If there be any foundation for it, your lordships must grant, that the conduct of those who gave such instructions ought not only to be enquired into, but censured: if there be no foundation for it, your lordships ought, I think, to make an enquiry into the affair, that the administration may be justified, and that the nation may know, that our inactivity in the Mediterranean, and upon the coasts of Spain, was not owing to any neglect, timidity, or treachery in us, but to the new and surprizing activity and vigilance of the enemy, who had so fortified all their harbours, and their extensive coast, that it was impossible for us to think of attacking them any where with success.

For this reason, my lords, I think myself obliged to move your lordships to order, "That copies of the several Instructions given to rear-admiral Haddock, from the time of his sailing from England in the year 1738, to the 24th of June last, be laid before this House." This, my lords, is my motion, and I hope it will not be thought improper or unseasonable. I am sure the same objection cannot be made to it, that was made against calling for admiral Vernon's Instructions; for, I am convinced, it will not be said, that any expedition against the enemy in Europe has ever been so much as designed, and much less, that admiral Haddock has ever had instructions for any such purpose. From this motion, therefore, there cannot be the least danger of divulging any of the secrets of our government; and by having all those instructions laid before us, we shall have an opportunity, I hope, of vindicating our administration against those suspicions and surmises, that are now spread over the whole nation; from whence I cannot but expect the concurrence of all those that are their friends, and from that concurrence, I think, I have good reason to expect success in my motion.

The Earl of *Halifax* seconded the motion.

The Duke of *Newcastle* said:

My lords; if I could join in opinion with the noble lord, that what he proposes could no way tend towards divulging the secrets of the government, I should, for the reason he has given, most heartily con-

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cur with him in his motion; but in this particular I differ from him, and therefore, for the sake of the public, which I shall always prefer to the interest of any private man, and even to my own interest or curiosity, I must give my negative to his motion. Whether there have been any designs formed for attacking the enemy in Old Spain, for burning the ships in any of their harbours, or for making a descent upon any part of their coasts, I shall not pretend to determine; but this I am sure of, that a design has been formed, and hitherto prosecuted with as much success as could be expected, for protecting our trade, and securing our possessions in the Mediterranean; and as the proper methods for effecting these necessary ends must be supposed to have been prescribed to admiral Haddock in his instructions, I must think it would be very improper to publish those instructions, which would be the effect of their being laid before this House; because the enemy would thereby learn how to evade all the measures we can take, either for the protection of our trade, or the security of our dominions.

I shall grant, my lords, that the people in all countries, and in this more than any other, are fond to hear of sieges, battles, and bloodshed, and apt to imagine, that there is nothing too difficult for their fleets and armies to undertake; and therefore they are very apt to complain, when their warmest expectations are not answered. From hence there may, perhaps, be a clamour amongst the unthinking and ignorant populace against our conduct in this war, because it has not been attended with so much slaughter and devastation, as they expected; but to those who know and consider the situation and conduct of the enemy, this can be no ground of complaint. If we had to do with an enemy, that would give us a fair meeting either at land or sea, our populace might have been diverted with battles, and, I hope, with victories; but the Spaniards are too sensible of the superiority of our strength, to give us an opportunity of attacking them any where upon equal terms, especially in Europe. They have fortified all their harbours, at least all those harbours, where there are any ships worth burning, in such a manner, that our squadrons cannot, without great danger, approach them by sea; and to attack them by land, we must send a greater army to Spain, than what we have now on foot; for every one knows, that in Spain they have a standing army much more numerous, than that we have at present in Great Britain.

From this single consideration, your lordships may see the reason of the complaints without doors, and how easy it would be for our ministers to justify their conduct, if they had a mind to lay all proper materials before you; but this, they know, would make such discoveries, as would be attended with great prejudice to the public; and therefore I must look upon their patience, under this heap of scandal they are so industriously loaded with, as a most signal piece of self-denial. It is a sort of sacrifice they at present make to the good of the public; and I shall never, by any act of mine, divert them from making that sacrifice, or compel them to sacrifice the good of the public to their immediate justification.

I am far from saying, my lords, that any designs have, or have not been formed, for making an attack upon the enemy in Old Spain; but this I am sure I may say, that such designs either have, or have not been formed, and in either case it would be improper for us to call for admiral Haddock's instructions. If such designs have been formed, we must suppose, that admiral has had instructions relating to them; and as they have not yet been executed, the publishing of those instructions would certainly prevent its being ever possible to execute them hereafter; therefore, in this case, it must be allowed, that our calling for these instructions would be both improper and dangerous. On the other hand, suppose no such designs have ever been formed; suppose it should appear, that our admiral had no instructions relating to any such designs; if those instructions should be made public, it will lay our ministers under the fatal necessity of publishing all the private informations they have had from Spain, relating to the harbours, fortifications, people, and troops of that kingdom, in order to justify their not having formed any such designs; and perhaps likewise the persons names who gave them these informations, in order to shew, that they were such as might be depended on; and I shall leave to your lordships' consideration, whether it would be proper to lay the administration under such a fatal necessity, in the time of an open war between the two nations.

My lords, I am very little capable of giving my opinion about the nature of fortifications, and the probability of success in

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attacking any fortified place; but this I will say, that by the instructions given to our admiral we could determine no such question. For this purpose, we must have a plan of the fortifications laid before us, and must examine the most expert engineers, as to the several forts and foibles of the place; and a public enquiry of this sort would not, I think, be prudent *pendente bello*, and before any attack has been made upon the place: yet it must be allowed, that without such an enquiry we could neither justify nor condemn our administration, for not having formed and executed such a design; and I shall always think it more excusable in a minister, to run the risk of having his conduct censured, for not forming and executing a dangerous design, than for his having formed such a design, and failed in the execution; because, in the former case, his misconduct can be attended with no expence, nor any great misfortune; whereas in the latter, his misconduct may be attended with great expence to his country, and with the blood of thousands of the bravest of his countrymen.

With regard therefore to our attempting to burn and destroy the enemy's ships in their harbour, I shall say no more but this, my lords, that, I believe, those who are concerned in our administration, have as good information, and are perhaps as good judges as any lord in this House can pretend to be; and as they have not yet attempted any such thing, I must believe it either impracticable, or not worth the risk and expence. But with regard to making a descent upon their coast, and plundering and laying waste the open country, I must first observe, that no such thing could be done, without sending a body of land forces thither for that purpose; and this we could not do till we had augmented our army so as to be able to spare such a body of land forces, without endangering our safety at home, and without delaying our preparations for pushing the war in the West Indies, where, I believe, your lordships will allow it ought to be pushed with the most vigour. Therefore, if there has been any failure upon this head, it is not to be imputed to those in the administration, but to those who have for many years opposed our keeping up any greater number of troops than was absolutely necessary for our security in time of peace.

To this, my lords, I must add another observation, which will shew the inconsistency of some peoples way of arguing. In all debates on the army, of which I have heard a great many, it has been continually insisted upon by those that argued against the army, that our militia alone, without the assistance of any regular troops, would be able to repel any invasion made upon us with 5 or 6,000 foreign veterans: whereas in this debate, the militia of Spain seems to be of no account: we have nothing to fear from them; and therefore, if we should land a body of regular troops upon their coast, we might plunder and lay waste the country, and might re-embark without opposition or danger; because they could not soon bring a superior body of their regular troops against us. Now, my lords, I should be glad to know, why there is such a difference between the militia of Great Britain and the militia of Spain. I shall readily admit, that our common men have generally more personal bravery than the common men in Spain; but, I believe, they are pretty equal as to discipline; and it is well known that when armies engage, it is not the personal bravery of individuals, but the discipline of the troops in general, that gives the advantage and secures the victory. Therefore, if the militia of Spain are as formidable as the militia of Great Britain, we could expect no great advantage, nor could we do the enemy any great hurt, by landing 5 or 6,000 regular troops in their country; and, I believe, no man will suppose we ought to employ any greater for that purpose.

From these considerations, my lords, I am apt to suppose, that in sending a squadron to the Mediterranean, we had no other design than that of protecting our trade, and securing our possessions in that part of the world. For this purpose it was absolutely necessary to send such a squadron as was superior to any the enemy could send out against us; and whatever expence the nation may thereby have been put to, your lordships must grant, it was necessary. I can therefore see no reason you have for calling for admiral Haddock's instructions, or for making any enquiry relating to that squadron; since it has not been complained of even without doors, that our trade or our possessions in the Mediterranean have been any way neglected. As to the enemy's squadron escaping from Cadiz, and afterwards from Ferrol, it occasioned no misfortune to this nation, and it may be imputed to so many accidents, that I think, it argues

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a want of charity to impute it to a bad design, or to a misconduct, in any person concerned in our government. Every one knows, that admiral Haddock was then sailed up the Mediterranean, to prevent the execution of a design that had actually been formed against our island of Minorca; and nevertheless, if I have been rightly informed, the enemy's squadron from Cadiz might probably have been intercepted, or met with at sea, if it had not been for an accident which happened with regard to some orders sent out upon that occasion.

As I have now, I hope, my lords, given sufficient reasons for my disagreeing to the noble lord's motion, I should have given you no more trouble at this time, if the noble lords who have already spoke in this debate, had confined themselves strictly to the question before us; but in this debate, as well as most others, several matters of a foreign nature have been mentioned, and found fault with, and therefore I hope your lordships will give me leave to say something in vindication of what I have always, and still do approve of. I shall grant, that the Spaniards had contested several rights of great consequence, which we had a just title to, and likewise, that they had usurped, or pretended to some rights, which they had no title to; but if these contests and pretensions had been attended with no real injury, they would never have afforded a sufficient reason for our declaring war, or committing hostilities; for it often happens, that two nations have mutual pretensions, which neither will expressly give up, and yet while these pretensions are allowed on both sides to lie dormant, neither of them take occasion from thence to declare war against the other. But this was not the case between us and the Spaniards: they would not allow their pretensions to lie dormant: they would exercise the rights they pretended to; and thereby occasioned many grievous losses to the subjects of this nation. These losses, and a positive denial of reparation, made reprisals on our side absolutely necessary; but they did not make a declaration of war absolutely necessary; because by treaty between us it was expressly stipulated, that in such cases the party injured might make reprisals, and that such reprisals should not by the other side be considered as a rupture, or cause of war. Now if we had, by means of reprisals, obtained full reparation for all our losses, and Spain had given over exercising the contested rights she pretended to, we should not, I think, have had the least occasion to declare war; because we might have continued on both sides to allow our contested pretensions to lie dormant, as long as neither side suffered by such pretensions; and therefore I must think, that we were in common prudence obliged to try first what could be done by way of reprisal; for surely a war, especially against Spain, is to be avoided, if possible.

But besides this, my lords, there was another reason for our entering into a war against Spain with all imaginable caution. We know how jealous all the trading nations of Europe are of Spain's having any of her dominions in America taken from her by us, or by any other neighbouring power, and how ready they would all be to fly to her assistance, if they saw her in any such danger. If we had entered hastily into the war against Spain, and had at once sent a strong squadron with a great body of land-forces to the West-Indies, the other powers of Europe would probably have imagined, that we were directed by ambitious views, and that we intended to strip Spain of all her settlements in America, which would certainly have united all the trading powers of Europe against us; and such a confederacy, I believe, it will be granted, we were by all means to prevent. We were therefore to take the most proper methods for convincing the other powers of Europe, that we had nothing in view but self-defence, and the security of our trade and navigation in time to come; and in order to do this, it was necessary for us to try what could be done by reprisals, before resolving to declare war, in order to shew that our declaration of war did not proceed from an ambitious choice, but from mere necessity.

I shall readily agree, my lords, that our circumstances in this war are more unlucky than they were in the war during queen Anne's reign. Our trade in general must necessarily suffer by our being engaged in war, when all our rivals in trade are in perfect tranquillity. This misfortune, peculiar to the present war, was foreseen by those who had the conduct of our public affairs, and therefore they tried all possible means for avoiding a war, which they saw would be of such pernicious consequence to our trade and navigation in general. I was, indeed, surprised to hear this circumstance so

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much as mentioned, by any lord that finds fault with the measures which were taken, for preventing our being obliged to enter into the present war; for, in my opinion, it is a full justification of every step taken for that purpose. It is true, it is likewise an argument, now we are engaged, for prosecuting the war with the utmost vigour; but neither this nor any other argument can make us push the war with more vigour than we are masters of; and if we apply a part of our vigour towards pushing the war in one place, we must necessarily abate of our vigour in every other. Therefore, if we had attacked the dominions of Spain in Europe, we must have attacked her dominions in America with the less vigour: and I appeal to your lordships, whether it would have been prudent or right in us to have done so.

From all which I must conclude, my lords, that the wisest and best method for prosecuting this war, was to make our whole push against the Spanish dominions in America; and consequently, we were to act upon the defensive only in Europe, and to take all possible care to prevent its being in the power of the enemy to send any reinforcements or supplies to their dominions in America. For this purpose, we were to prevent, as much as we could, the sailing not only of their squadrons, but also of their flotas, and even their merchant-ships; and this has been done as effectually as it was possible for us to do, considering the boisterous seas upon the coasts of Spain, and the necessity of our squadron's retiring sometimes into port, either to avoid a storm or to refresh the seamen. What occasion therefore can we have for seeing admiral Haddock's instructions? If from thence it should appear, that he had orders to attack any of the dominions of Spain, we cannot upon that account find fault with them; and if he had orders for making any such attack, but has not yet found an opportunity to carry them into execution, would it be proper, would it be prudent in us, to desire such instructions to be laid before this House?

Lord *Bathurst*:

My lords; the two noble young lords who opened this debate, spoke with such dignity, such strength of argument, and such propriety of expression, that I began to imagine myself in an old Roman, an Athenian, or Lacedemonian senate; and therefore I must return thanks to the noble duke who spoke last, for he has brought me back to a British House of Peers. However, I hope he will excuse me, if I do not entirely approve of the arguments he has been pleased to make use of for justifying the negative, he says, he is to give to this motion.

I do not really know, my lords, what the noble duke means by the danger of discovering the secret methods, which our ministers have in their great wisdom prescribed to admiral Haddock, for protecting our trade and securing our possessions in the Mediterranean. I cannot comprehend how there can be a secret in any method that can be prescribed for that purpose, nor can I suggest to myself how the Spaniards could disturb either our trade or our possessions in that part of the world, more than they have done, should they be informed of every method we have prescribed, or can prescribe for preventing it. There is but one secret that I am afraid of the enemy's getting hold of, which is the secret of procuring such instructions to our admirals as must prevent their doing their duty to their country; and the best method for keeping this secret from the enemy is, to let our ministers see, that the parliament will, from time to time, make a strict scrutiny into their conduct, and for that purpose require and insist upon seeing the orders and instructions they give to our commanders, either by sea or land.

I shall admit, my lords, that in all countries, the people, when they are engaged in war, expect to hear of battles and bloodshed: as they pay heavy taxes for supporting the war, and suffer many inconveniences on account of it, they have a right to that expectation; because the more hotly it is pursued, the sooner it will be at end. They do not like to pay for Spithead expeditions, nor for Hounslow encampments; because they know that such warlike, though no war-making measures, render them the scorn of their enemies, and entail a perpetual expence upon them. The people of this country may, perhaps, seem more fond to hear of sieges and battles in time of war, than the people in any neighbouring country; but it is not because they are really so, but because they have as yet more freedom to declare their sentiments. The people in all countries have an equal right, and are equally fond, to hear of their money's being properly applied; and if it is, they must hear both of battles and sieges, let the victory be on

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what side it will. Shall our people be told, by way of excuse for our inaction, that the enemy will not meet us in open sea, and upon equal terms? My lords, we knew this from the beginning. We knew the enemy neither would nor could dare to encounter us at sea; and therefore, let the difficulty be never so great, we ought from the beginning to have resolved to attack them at land; for unless we do so, the war will be everlasting. They have no trade: they cannot therefore suffer by the continuance of the war: on the contrary, they will be gainers; because they will always be able to take more of our merchant-ships than we can take of theirs, especially if we never think of attacking and burning their ships in the harbours. We must therefore attack them at land, if we ever expect to see an honourable end of the war. This the people know, and this makes them so uneasy on account of their not having yet heard of any such attack being attempted.

The complaints of the people are not therefore, my lords, without foundation; and if they have any foundation, the patience of our minister, under the load of reproach, which increases daily, cannot be owing to any self-denial, or to his regard for the public good, but to a consciousness that his conduct deserves to be censured, and certainly would be censured if it were to be strictly inquired into. I say, my lords, our minister; for when I talk of conduct, when I talk of reproach, I must speak in the singular number; because the whole nation supposes we have a sole conductor, and against him alone the reproaches of the whole nation are directed.

But for God's sake, my lords, what can the public good have to do with the not laying an admiral's instructions before this House? Their being laid before this House or a secret committee of this House may often be of great advantage, but never can be a prejudice to the public. The only pretence for saying it may be of prejudice to the public, is founded upon a begging of the question. It is first supposed, that nothing can be laid before this House, without being made public; and from thence it is argued, that therefore no paper ought to be laid before this House, when the contents are such as ought not to be made public. Has this supposition ever been granted? Can it be granted by those who know any thing of our constitution or forms of proceeding? When we appoint a secret committee, is it not to be supposed that the secrets committed to their charge will be as sacredly kept, as those committed to his majesty's cabinet council? Therefore the laying of any papers before us, let them be of ever so secret a nature, can never be inconsistent with the public good: it can never be inconsistent with the good even of a minister, unless his good be inconsistent with the good of the public; and when this happens to be the case, I am sure, it is not consistent with our honour, nor with our duty, to refuse to call for such papers as may discover that inconsistency.

Having thus shewn, my lords, that the public good cannot be in the least danger of suffering by this motion's being agreed to, almost every argument the noble duke was pleased to make use of against it, must fall to the ground. One, indeed, I shall grant, is not affected by what I have yet shewn: his grace was pleased to observe, *cui bono* will you call for these instructions? For though from them it should appear, that admiral Haddock had no orders to make any attempt against Spain, you could not on that account find fault with them, because no success could be expected in any such attempt; and as the sending that squadron thither has answered every other end, you can neither find fault with his conduct or instructions. For supporting this argument his grace endeavoured to shew, that we could neither burn the ships in any of the enemy's harbours, nor make a descent upon their open coast; and that their squadron escaped both from Cadiz and Ferrol by mere accident.

My lords, these are questions that cannot come properly before us, till we have the instructions now moved for; but after we have these instructions, we may then call for such papers as will enable us to pass a judgment upon every one of these questions. In the mean time I must observe, that if we judge from experience, we must suppose, it was very practicable to attack most of the harbours of Spain, with so much success at least, as to be able to burn every ship in it; and that it was still more practicable to make a descent upon their open coast, and thereby do them a deal of mischief.

This I say, my lords, we must suppose, if we judge from experience, because we never yet attacked any of the harbours of Spain, nor made a descent upon any part of their coast, without doing them great mischief; and though by overnight or mis-

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management we seldom had all the success we expected, yet we never met with any great loss, but retired in safety to our ships, as soon as we found it necessary, or perceived any danger approaching. In queen Elizabeth's time, when our schemes were concerted with more wisdom, and conducted with more vigour, than, I believe, they have ever been since, we actually took the town of Cadiz, and burnt, sunk, or took every ship in their harbour; in which expedition there were but 7,000 men employed; and I must observe, that we had then no standing army, the troops employed being all new-raised men, without allowing them so much as one month to learn what is now called military discipline. Again, in queen Anne's time, the next queen we had, and the next time this nation made a glorious figure in Europe, we attacked the same place; and though by many pieces of mismanagement on our side, which it would be easy to shew, we failed of success with regard to the city and harbour of Cadiz itself, yet we did the Spaniards great damage, and our people got a great deal of plunder at Port St. Mary's; and the same fleet, in its return, made the famous and successful attack upon Vigo, where we took and destroyed a great number of men of war and galleons.

I am really surprized, my lords, to hear it represented as impossible for us to burn the ships in any of the harbours of Spain. I have seen plans of most of their harbours: I have seen in particular several plans of the city and harbour of Cadiz; and according to them, according to all accounts I have had, it may, in some measure, be called an open harbour: The entrance at the Puntals, which is the narrowest part, is above a mile from land to land, so that it is impossible to secure it by a boom: they have no other way to prevent our entering it, but by sinking ships in the channel; and this they will never do, unless they have certain information of our design, as they had in the late queen's time. They have, indeed, two castles upon the north, and one upon the south side of the Puntals; but experience has taught us, what a vain defence castles are against ships of war, especially when they have nothing to do but to pass by, and need not come within half a mile of the castle; and within the Puntals there is a large open bay without one castle to annoy the ships that are in it; from all which I must suppose, that if admiral Haddock had been properly provided, he might have burnt or taken all the ships in the harbour of Cadiz, which would have effectually prevented their squadron sailing to Ferrol or the West-Indies. Then as to the harbours of Ferrol and Vigo, the only two I can at present think of, that are, or may be defended by booms, our successful attack upon Vigo, in the late queen's time, shews how vain this defence is against the royal navy of England, when our admirals are furnished with proper instructions.

With regard to our making invasions or descents upon the open coast of Spain, the noble duke was pleased to talk of the militia of Spain, and to compare them with the militia of this kingdom. My lords, they have no such thing as militia in Spain; and their people have been so long disused to arms, and so long cowed and terrified by standing armies, that they dare not look an enemy in the face. Thank God! this is not as yet the case with the people of this kingdom, though I do not know how soon it may be so, if we continue to neglect our militia as much, and keep up such numerous standing armies, as we have done of late years.

But, my lords, there is another very material difference between our making an invasion upon Spain, and their making an invasion upon us; As we are superior at sea, the troops we land upon them may secure themselves by retiring to their ships, and reimbarking, as soon as a superior force, either of regular forces or militia, comes against them; but if they should land any troops in this island, or Ireland, they must either conquer the kingdom, or die; for they will soon have no ships to retire to; and the fate of the Spanish troops that landed, or were forced ashore, in Ireland, after the defeat of their invincible armado, as they called it, will for ever prevent any Spanish troops being fond of landing in our dominions; for though the putting of those poor men all to the sword was a precedent I shall not recommend; yet it will shew to all foreigners, that unless they can conquer us, it is extremely dangerous to land amongst us; As they can have no retreat, whilst we are masters at sea, their lives must depend upon the lenity of our government.

The noble duke observed very justly, that nothing can make us act with more vigour than we are masters of; that if we act with vigour in one place, we must abate of our vigour in every other; and that therefore, it was the height of wisdom

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in us, to resolve to act upon the defensive in Europe, in order to act with the more vigour upon the offensive in the West-Indies. My lords, I shall allow, that these two premises are right, but in order to make the conclusion proper and just, there should have been another, which is this, that the squadrons and armies we are to keep up for our defence, can never be employed for acting upon the offensive in Europe; and this I can by no means grant. If we had sent a body of 8 or 10,000 of that army which is thought necessary for our defence at home, to infest and make inroads upon the coasts of Spain, and to assist in burning the ships in their harbours, as it would have been, nevertheless, upon a fortnight's call, ready to be transported to any part of the island where there was most occasion for it, it would have served for our defence at home equally as well, nay, better than by being encamped at Hounslow, or any other heath in the kingdom. If admiral Haddock's squadron had been employed in making descents upon the coasts of Spain in the Mediterranean or about Cadiz, and burning the ships in those harbours, would our possessions of Gibraltar or Portmahon have been less secure, than by his remaining idle and inactive in those seas? If our Spithead squadron had been sent out to burn the Spanish privateers at St. Sebastian's, or their squadrons at Ferrol, or St. Andero, should not we have been fully as secure against an invasion, as we were by their lying idle at Spithead or Portsmouth? Our inaction in Europe is not therefore owing to those who opposed our keeping up unnecessary, expensive, oppressive, and dangerous armies in time of peace, but those who do not know how to make the proper use, either of armies or squadrons, in time of war.

I must therefore conclude, my lords, that if admiral Haddock has had no instructions to act in an offensive manner against the Spaniards in Europe, or if he has been tied up by his instructions not to make any attempt against them at land, which I believe to have been the case, those who gave him such defective, or such restraining instructions, ought to be censured, if not punished; and, consequently, that we ought for this purpose to have his instructions laid before us. But suppose it could be said, that we could find no fault with his not having had instructions to act upon the offensive: suppose we could find no fault with his having had nothing in charge, but that of protecting our trade and possessions in that part of the world, and preventing the Spaniards from sending supplies or reinforcements to their settlements in America: can it be said, that these services have been punctually and faithfully performed? Our possessions in the Mediterranean, my lords, protect themselves, and cannot be taken from us, but by treachery, whilst we are superior at sea; but our trade, even in the Mediterranean, has suffered a great deal more than could have been expected from such an indolent, and such an impotent enemy: it could not have suffered so much, if admiral Haddock had been either properly provided, or properly instructed for its defence; for, considering his character, I cannot impute it to his imprudence or neglect. And as to the enemy's sending supplies or reinforcements to the West Indies, they seemed to have had a permission to do so: if their squadron had escaped from Cadiz or Ferrol, immediately after a storm, which had drove our squadrons and cruisers into port; or in the depth of winter, when it was not safe for our squadrons or cruisers to be in the open seas, there might have been some excuse for its escaping, but neither of these was the case: The Spanish squadron sailed from Cadiz about the end of March, when there had been no remarkable storm at sea for some time before; but admiral Haddock had been sent on a wild goose chase up the Mediterranean, and a squadron left at Gibraltar, without any orders, it seems, to keep an eye towards Cadiz. And this very squadron sailed again from Ferrol about the end of July, without our having so much as attempted to attack them in that port, without our having any squadron to intercept them or follow them as soon as they sailed out of port, and without our having a sufficient squadron to way-lay them in the American seas.

Surely, my lords, there must be some neglect, or some oversight, if not worse, in this management. To tell us by way of excuse, that admiral Haddock sailed up the Mediterranean to protect Minorca, or that an accident happened with regard to any orders sent to him: this is the very thing complained of: it is the very thing we ought to enquire into; because if he had been properly instructed, he would not have sailed up the Mediterranean with his squadron: he would have sent only four or five ships there for protecting Minorca; and if he had been at first pre-

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perly instructed, there would have been no occasion for fresh orders, and, consequently, no accident could have happened with regard to them.

If to save the public money, sufficient armies had not been raised, or a sufficient number of ships had not been put in commission, there would have been some excuse. But the nation has been put to the expence of raising and maintaining armies sufficient for any expedition we could reasonably undertake, and of fitting out squadrons more than sufficient for all the purposes we had occasion for. We have spared no expence in warlike preparations: like a true poltroon, we prepared a long sword, but have been so careful of our defence at home, that we have never once dared to make a bold and vigorous push against the enemy, either in Europe or America. Even the armament now sent, I suppose to the West Indies, I can expect no great success from, considering the time and the opportunities the enemy have had to prepare for their defence, the troops we have employed upon that expedition, and several other bad omens, which have been observed almost by every man in the kingdom.

I mention this, my lords, because I think no part of our late conduct foreign to the present debate. Every error in our late conduct is a corroborating circumstance for prevailing with us to agree to this motion: it is an argument for our beginning to exert ourselves in our high capacity of hereditary great council of the crown, and consequently it is an argument for our calling for every paper necessary for our information. Our beginning the war by the method of reprisals was, for the same reason, most properly introduced by the noble lord who made you this motion. We had then, we have had subsisting for almost this twenty years, a most just reason for declaring war against Spain. The pretensions in dispute between us are such, on our side, as cannot be allowed to lie dormant: we must navigate in the American seas; we must cut logwood in the bay of Campeachey; we must gather salt in the island of Tortugas: it does not indeed signify much, whether the Spaniards expressly give these rights up by treaty, because we find they have no regard to treaties; but as soon as they began to interrupt us, we ought to have declared war; and since they are not, we find, to be bound by treaty, we ought now to take or insist upon a real security.

The danger of Spain's being assisted by any neighbouring power, or the danger of our being involved in a war with Spain, when our rivals in trade were at liberty to pursue their trade without interruption, was so far from being a reason for our continuing our tedious negociations, that it ought to have made us neglect no opportunity of putting an end to them by a declaration of war, when we found ourselves in such circumstances, as not to be exposed to these dangers. By the behaviour of the Spaniards soon after the treaty in 1721, we might have foreseen, that it would be at last absolutely necessary for us to beat them into good manners; and can it be said, that since that time we have had no opportunity of attacking Spain, when we knew, that no neighbouring power could assist her; or when we knew, that our chief rival in trade could not pursue her trade without interruption? My lords, we let slip several excellent opportunities for doing ourselves justice against Spain, and by that means we were forced by a fatal necessity, to have recourse to arms at the most inconvenient time we could chuse for that purpose; and what was still worse when we found ourselves reduced to this fatal necessity, instead of beginning the war with vigour, and obtaining some signal advantage over the enemy, before they could prepare for their defence, and before any neighbouring power could give them assistance, we began it in a method from which we could not so much as hope for any advantage, a method which could serve for nothing but giving the enemy timely notice to prepare for their defence, and their friends timely notice to prepare for their assistance.

If such management does not make your lordships think, that it is now high time for you to interpose with your advice to your sovereign, and for that purpose, to call for all papers necessary for your information, I am afraid, no sort of management ever will; and therefore, I shall conclude with this melancholy observation, That, if this motion is not agreed to, it will, I am afraid, be too generally thought, that the king can never expect any benefit from your advice, the nation can never expect any relief from your enquiry. You may hereafter give advice, but that advice will, without doors, be supposed to be such as is prescribed by the minister: you may hereafter enquire, but that en-

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quiry will be supposed to be such as is directed by the minister: this is what I dread; and therefore, to prevent, as far as I can, an opinion so unworthy of this House, from gaining any ground without doors, I shall most heartily concur in this motion.

The Earl of *Cholmondeley:*

My lords; the chief question in this debate, as it must be in all debates of the same nature, is, Whether it would be proper, in the heat of war, to lay before this House, or even a secret committee appointed by this House, all the secrets that relate to the conduct of the war; and this question must, I think, be determined in the negative, if we have any regard to the example of all the great princes, generals, or ministers, that ever were in this or any other country. I am not to impeach or doubt of the fidelity or secrecy of any lord, or of any number of lords of this House; but I may say, it has always been looked on, as an established maxim, that the fewer a secret of importance is communicated to, the safer it will be kept. An affair of this kind may, perhaps, be as safely committed to a secret committee of this House, as to his majesty's cabinet council: but how are we sure, that admiral Haddock's instructions have been communicated to his majesty's cabinet-council? From what happened in a late debate, we are, I think, to presume they have not; for two noble lords, who were both of his majesty's cabinet council, then declared, they had not seen admiral Vernon's instructions: and his majesty may, I think, very probably, because very wisely, have resolved to keep Mr. Haddock's instructions as private as he did Mr. Vernon's. We are not to suppose, that his majesty's having taken such a resolution, proceeded from any diffidence in either of these two noble lords, but from a maxim laid down by all wise princes, that an affair which is designed to be kept as a secret, ought not unnecessarily to be communicated to any one person whatsoever.

The noble lord said, he could not suggest to himself any secret that could be contained in admiral Haddock's instructions, relating to the protecting of our trade or possessions in the Mediterranean. My lords, I think, it is very easy to suggest several such secrets: we may suggest to ourselves, nay, I think, it is highly reasonable to suppose, he has directions how to apply for getting secret intelligence of all the schemes and designs formed by the enemy, for annoying either our trade or possessions in that part of the world. These directions may contain the names of the persons he is to apply to, and the methods by which he is to carry on a correspondence with them; and if he has any such directions, I am sure, it would be very imprudent in us to do any thing that might possibly occasion a discovery.

Suppose, my lords, we should appoint a secret committee; if that committee should consist of such lords, as are known friends to the administration, their report would give no satisfaction to those that complain of our conduct, nor would it any way tend to remove the suspicions that are said to be without doors; and if that committee should consist of such as are supposed to be no friends to the administration, I shall be far from saying that any of them would, out of hatred or envy to our ministers, discover the secrets of our government to the enemy; but if those secrets should afterwards be found to have been discovered, it would bring them under a very great suspicion.

Besides, this, my lords, we should consider, that whatever we do in such a case, would be a precedent, which the other House would certainly follow; they would likewise appoint a secret committee, and in imitation of ours, that committee would probably consist of those that were known to be the greatest enemies to the administration: they would insist upon all those papers being laid before their committee, that had been laid before the committee of this House. His majesty would be obliged to comply with their request; and this might be of the most dangerous consequence in our present circumstances. We may answer for the members of our own House; we may assure ourselves, that none of them would give such scope to their resentment, as, out of envy or hatred to our ministers, to betray the secrets of our government; but I am sure, I shall not, I do not believe any of your lordships will answer for all the members of the other House. The passions of some men are so violent, that the safety, success, or prosperity of their country is but a slender barrier, when they have an opportunity of satisfying their resentment or revenge, by breaking through that barrier. Therefore, however safely the secrets of the government may be committed to a few members of this House, I shall be against our making a precedent for the other House's insisting upon the same

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confidence, unless I hear better reasons than have as yet been urged in favour of this motion.

My lords, it is much easier to criticise and find fault with a good poem, than to write as good a one; so, I believe, it is much easier to find fault with the conduct of the present war, than to conduct it in as cautious, wise and successful a manner as it has been. We have not, it is true, as yet made any conquests upon the enemy; but the reason assigned is, I think, a good reason: We were, according to all the rules of prudence, obliged to provide for our defence at home, before we could think of attacking the enemy abroad; and our having carefully done so, is the reason, that we now only hear of the war: If we had done otherwise, we should, probably before now, have seen and felt it: If we had not kept a good army in continual readiness at home: If we had not kept a good squadron in continual readiness in the channel, we should, perhaps before now, have had a more potent enemy to deal with; and, instead of debating here about matters which I cannot think of any great moment, we should have been in the field fighting for our liberties, our properties, our religion, and every thing that is dear to mankind; for if by the neglect or imprudence of our ministers, a foreign army had been landed amongst us, I am convinced, every lay-lord in this House would willingly have taken up arms in defence of his king and country: Nay, I believe, some of the reverend bench would have followed the example of their predecessors, when they found, that their religion was no longer to be defended by the pen, but by the sword.

We know, my lords, the enemy cannot support the charge of their government, much less the charge of the war, without a frequent intercourse with their settlements in America: If we can prevent that intercourse, or frequently intercept their returns from thence, they will soon be forced to make peace, because it will no longer be in their power to make war. I cannot therefore be of opinion, that we ought to be rash in making either our soldiers or our ships run their heads against stone-walls, especially in Europe, where it would be ridiculous in us to think of keeping possession of any town or harbour, after we have taken it. But if our attacking Spain in Europe had been absolutely necessary, or if it had been the most proper and certain way of putting an end to the war, it would have been madness in us to have exposed ourselves to the danger of being invaded at home, for the sake of burning a few ships, or plundering a few country villages in Spain, especially considering what a combustion would have been raised amongst us by the landing of a few regular troops; for they would certainly have been joined by all the disaffected, whose numbers are not, I believe, so despicable as some people represent. This I say I believe; and I believe it, because it is now become a common practice for people to cloak their disaffection under the specious pretence of being discontented with the conduct of our public affairs; but if they saw a fair opportunity, they would throw off all disguise, and the motives of their opposition to our administration would then appear in their true colours.

I must therefore be of opinion, my lords, that if admiral Haddock's instructions were laid before us, and it should from thence appear, he had no orders to attempt any thing against Spain by land, we could not upon that account make any objection to them. And if his orders were only to protect our trade and possessions in the Mediterranean, and prevent, as much as possible, the enemy's sending any supplies to their settlements in America, or receiving any from thence, I think there has been no such misconduct in either of these particulars, as should prevail with your lordships to make an enquiry into it, at the risk of preventing all future success in that part of the world, by a discovery of those schemes that may have been concerted, and communicated to that admiral for obtaining it. Some of our merchant-ships have, it is true, been taken, even in the Mediterranean, but this it is impossible to prevent, whilst they venture to sail without convoy; and this they will do so long as there is an insurance-office in England; for though such offices be a great convenience to trade, yet, I am convinced, it is the occasion of many more of our ships being taken than otherwise would, because it encourages our merchant-ships to sail without convoy; and as it is impossible to clear the seas entirely of privateers, if you had twenty times the number of cruisers you have now at sea, some of those merchant-ships that do venture to sail without convoy, must necessarily be taken.

With regard, my lords, to the escape of the Spanish squadron from Cadiz, if I have been rightly informed, it was entirely owing to an accidental mistake as to

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the orders that were sent to our admirals; and that such a thing should happen, I am not at all surprised; for our sea commanders are bound to follow their orders so strictly and so literally, that it is extremely dangerous to depart from them in the least article, even when they see, that by so doing, they may do some singular piece of service to their country. A famous historian has told us, that sir George Rook reprimanded one of our captains very severely for departing from his orders, though by so doing he, in a manner, saved the fleet of England, then under the command of that admiral. This makes it impossible to give such orders or instructions at first, as to require no new explanation, when circumstances alter, or fresh advices arrive; and though Gibraltar may perhaps be secure, without having a superior squadron always at hand, yet no one will say, that Minorca is so. That island lies open to an attack, and if an army should be once landed upon any part of the island, a squadron could not then prevent Portmahon, and, consequently, the island's being taken from us. We must therefore, prevent its being possible to land an army on the island; and four or five ships would not have been sufficient for this purpose, because they could not spread so as to prevent the enemy's stealing by them in the night-time. Besides, we were not absolutely secure against a neighbouring power's taking part with Spain; and their squadron might have sailed out, and might have convoyed the Spanish fleet to Minorca, before our squadron at Gibraltar, or before Cadiz, could prevent it.

The escape of the Spanish squadron from Cadiz was not, therefore, owing to neglect or misconduct, but to an accident which no human power could prevent; and its safety at Ferrol, as well as its escape from thence, was, I believe, owing to another accident of the same nature. Nay, this I am so fully convinced of, that I am surprized to hear our conduct in that particular found fault with, by any one who considers how long sir John Norris, with a powerful squadron, (which was certainly designed for something) was detained in the channel by contrary winds. For these reasons, my lords, I cannot see so much as the appearance of any misconduct; and without some such appearance, I can see no reason for your enquiring into the late conduct of our public affairs, and, consequently, no reason for your calling for the papers now moved for.

The Duke of *Argyle*:

My lords; whatever may be the question in this debate, it is evident, from the opposition made to this motion, and a great many others of the same nature, that there is now a much greater confidence placed in ministers than formerly. We seem now to form our opinions of the conduct of public affairs by a sort of faith, and not from examination or conviction: nay, we seem resolved never to examine into the conduct of any public affair, let the appearances of misconduct be ever so glaring; and if posterity should put as much faith in the wisdom and uprightness of ministers, as we in this age seem to do; if our successors here should allow themselves to be governed by the maxims now laid down for our conduct in this House, I am sure, there will be an end of all public enquiries, and consequently of all parliamentary censures or punishments; unless, when the minister gives us leave, or perhaps directions, to enquire into the conduct of some unlucky wretch, who has happened to outlive the royal or the ministerial favour.

How we in this age come to have so much political faith, for I do not think we have improved much in our religious, I shall not pretend to account for; but with regard to this sort of faith, I am afraid, my lords, lest, in a short time, we adopt the ancient religious maxim, 'Credo 'quia impossibile est;' I believe the minister to be wise and upright, because it is impossible he should be so; which may be the case; for when the affairs of a rich, powerful, and flourishing nation have, in a short tract of years, been brought into the utmost confusion, its revenues wasted or anticipated, its trade diminished and oppressed, its people rendered uneasy and discontented, its allies deserted, and its honour insulted, and all this without any signal misfortune or visible cause, it is hardly possible its minister should be wise and upright; and yet a gentleman fargone in our modern political faith may assign these very effects, as arguments for his believing the minister's counsels to have been prudent and upright.

I confess, my lords, it is very hard to account for this most extraordinary sort of faith; but thank God! whatever it may do within, it does not as yet prevail much without doors, and its having of late years

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prevailed so much within, may perhaps proceed from our having been so long without making a strict enquiry into the conduct of any minister; for a chief or a prime minister stands in so elevated a station, that many are dazzled with the lustre of his character; but when he is once brought to the bar of this House, that lustre generally appears to be nothing but tinsel, and the stuff and ground-work then appears to be black and horrid. This, I say, my lords, is generally the case, when a minister's conduct is fairly brought under the examination of this House; but this can never happen in time to come, if the only argument made use of against this motion be allowed to have any weight. It is very certain, we can never pretend to examine the conduct of any public affair, without seeing and examining all the public papers relating not only to that affair, but to every other public affair that has any connection with it; and if it should be received as a maxim for our conduct in this House, that we must never call for any papers, when the minister or his friends insinuate, that they contain important secrets of state, a discovery whereof would be of infinite prejudice to the public, it is equally certain, that the minister will always make use of this pretence, when he is conscious, that his conduct has been such as cannot bear the light. The consequence is that we must never enquire, but when the minister has a mind we should; and the consequence of this again is, that we must be the farthest from enquiring, when there is the greatest occasion for an enquiry; when, perhaps, the very being of the nation depends upon a strict and impartial parliamentary enquiry.

I shall grant, my lords, that an important secret will always be the more safely kept, the fewer it is communicated to; and I shall likewise grant, that our calling for papers of any kind might, probably, give occasion to the other House's calling for the same: Nay, I shall grant farther, that if any of those papers contained important secrets of state, such secrets might thereby come to be discovered; but, I hope, it will not be said, that they would certainly be discovered, and I am very far from thinking there would be any great danger of such a discovery. However, let the danger of a discovery be never so great, does not every one see, that this case, like most other cases in politics, is attended with inconveniencies of both sides, and we must, as in all other cases of the same nature, chuse that side where the inconveniences are the least or the fewest. To say, that this House must never call for any papers, which may possibly contain secrets of state, and consequently must never enquire into the conduct of any public affair, would be a direct and an immediate overthrow of our happy constitution: On the other hand, to say, that this House may call for all papers necessary for our information, even though they be such as may contain secrets of state, is attended with this inconvenience, that the secrets of our government may thereby, peradventure, be sometimes discovered. Does not every one of your lordships see the difference between the inconveniencies attending these two maxims? By the former, we subject ourselves to a certain evil, and one of the greatest evils that can befall us: By the latter we subject ourselves only to a danger, and that danger is such a one as may, from former experience, be justly called chimerical; because, though this maxim has obtained from the very beginning of our constitution, till within these last twenty years, and though in pursuance of this maxim many papers of state have been called for, and laid before this or the other House of Parliament, some of which must be supposed to have contained secrets of the utmost importance, yet no secret of state was ever thereby discovered; at least it does not appear, so far as I can recollect, that ever the nation suffered by any such discovery. Can it therefore admit of a doubt, which of these maxims ought to be established? And if the latter is to take place in all our deliberations, I hope I shall hear no more of the secrets that may possibly be discovered by our calling for papers, which we think necessary for our information, in order to enable us to enquire into the late conduct of our public affairs.

Your lordships, I hope, will now see the question that is really before you. It is not, whether it would be proper to lay before a select committee of this House, all the secrets that relate to the conduct of the war; but whether you ought in this session of parliament to enter upon an enquiry into the conduct of the war; and when I consider the honour and sincerity of those lords that have declared their readiness to enter into such enquiry, together with the weight they so deservedly bear in this House, I cannot suppose, that such a question will admit of any dispute. But lest a scruple should remain with any

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noble lord, whether or no we ought now to enter upon such an enquiry, I shall beg leave to state the usual causes of an enquiry, and the intentions with which it ought to be undertaken and proceeded on. With regard to the causes, my lords, we must carefully distinguish between an enquiry, and a direct impeachment or accusation; for though impeachments generally come from the other House, yet your lordships all know, that any one of you has a right to rise up in his place and impeach any man concerned in the administration, or any lord in this House, of high treason, or high crimes and misdemeanors; but such an accusation must always be founded upon some particular facts then set forth, and proof offered to be produced. This, I say, my lords, is the case, with regard to a direct impeachment or accusation, but then with regard to an enquiry, it is always founded upon general murmurs, general surmises, or the general appearance of things. When the people in general murmur against the measures of an administration, or when the affairs of the nation seem, without any visible cause, to be in a bad situation, or when any particular affair seems to have been misconducted or neglected, there is in every one of these cases a sufficient cause for a parliamentary enquiry into the conduct of our ministers; and consequently, when these three concur, I will affirm, that whilst we sit here, we are deficient in our duty to our country, our sovereign, and ourselves, if we do not enquire strictly and impartially into the conduct of our public affairs.

That this is the case at present, must, I think, be granted by every lord who knows any thing of the temper of the people without doors, of the present melancholy state of affairs both abroad and at home, or of what we might and ought to have done in the war we are now engaged in. The people, my lords, have long murmured against the measures of the administration: They murmured against their measures in time of peace; they now, with equal reason, murmur against their measures in time of war; and as to the state of our affairs both at home and abroad, I will venture to say, they were never in such an unlucky or dangerous situation; for which I shall grant there may be several causes assigned, but they are all such as have derived their origin from the late weak councils of this nation. Then with respect to the war, it has, I think, been misconducted or neglected in every part of the world, and particularly in that part which the papers now called for relate to.

It is surprizing, my lords, to consider, that this nation has been put to the expence of maintaining a powerful squadron in the Mediterranean for two years and a half, without attempting any thing against the enemy. This squadron, I know, was at first sent out upon that ridiculous pretence of giving weight to our negociations; and accordingly when the convention was concluded, there were orders sent for its returning home; but when our ministers saw the reception their convention met with from the nation in general, they thought it necessary for their own safety to countermand those orders; yet still our squadron was to lie there as an useless burden upon this nation, and a harmless neighbour to Spain; and thus it continued even after our declaration of war; for, except the taking of two or three ships, and a few barks, that squadron has done no manner of hurt to the enemy, nor so much as attempted to do them any manner of hurt.

This surprizing inactivity, my lords, cannot be imputed to the gentleman who commands that squadron. From the known character of admiral Haddock we must suppose, not only that he had no orders to make any attempt against the enemy at land, but that he had express orders to the contrary; for though he was not provided with a proper force for acting offensively, yet he might have done something with his ships and seamen alone, and without any land force. Had he, indeed, been provided with but 1,500 land forces, he might have landed and laid waste many parts of the open country, and would have kept the whole coasts of Spain in a continual terror, which would have contributed towards retrieving our character abroad, and towards making the enemy soon tired of the war. But instead of this, we have never yet sent any force to that admiral, for enabling him to undertake any expedition against the enemy; and how can we suppose, that he has orders for undertaking any secret expedition, when he is no way provided with what is necessary for that purpose?

My lords, I am from hence fully convinced, that, if admiral Haddock's instructions were not communicated to his majesty's cabinet-council, it was not because of the danger of their being discovered to the enemy, but because of the danger of their

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being discovered to this House, or, perhaps, disapproved of by a majority of those who had the honour to be of his majesty's council; for we are not to suppose, that every public measure is approved of by them, because we have sometimes in this nation a cabinet-council above that of the king's, in power, though not in character. Whilst the duke of Buckingham was prime minister to king Charles 1, he had a cabinet council of his own, a select number of his own creatures and tools, where every thing was resolved on before its being laid before the king's cabinet council. It was brought there only for form's sake, and care was taken not to have any one there, that would seriously and stedfastly dare to oppose any thing that had been resolved on by the cabinet-council of the prime minister.

I know, my lords, I do not speak properly, when, in talking of what happened in king Charles 1's time, I make use of the term cabinet-council, because it is a term of a much later date; for in those days, besides this House, the king had no other council, but that which we still call the privy council, and of that council there was always a committee appointed to consider and take care of foreign affairs; but the resolutions of that committee were not carried into execution, till they were approved of by the privy council: in that council there then sat several great officers, such as the lord high treasurer, the lord high admiral, and others, who by their birth and quality, as well as by the importance of the posts they enjoyed, added weight and dignity to the council of which they were members; but these high offices are now split into commissions, and sometimes granted to men who have neither birth, quality, nor character, which is not done for the sake of dispatching business, (for every one knows, the whole business of the office is now chiefly directed by one, in the same manner it was formerly) but for the sake of multiplying salaries and gaining votes. This has very much derogated from the authority of that assembly, and is, I believe, the chief cause of their power being now almost entirely usurped and exercised by what is called the cabinet-council; but even what we now call the cabinet-council has not always the power or influence they seem to have; for when any one minister happens to get the sole direction of all public affairs, the other members of the cabinet-council, or at least the majority of them, serve only to give a sort of authority to what the minister has been pleased to resolve on.

Whether the instructions given to admiral Haddock were drawn up by the advice of his majesty's cabinet-council, or the advice of one sole minister, I shall not determine; but this I will say, it is impossible they can contain secrets relating to any important expedition against the enemy, because he was not, nor is yet provided with a proper force for such an expedition; and I think it hardly possible to suppose, they contain any directions about secret intelligence, or about carrying on a correspondence with any persons in Spain; for, I thing, it is plain, that neither our ministers here, nor our admiral there, had any secret intelligence, otherwise the Spanish squadron could never have made its escape, first from Cadiz, and next from Ferrol, without our having any squadron in the way to intercept it. I really do not know what the noble lord meant by giving our admiral directions how to get intelligence about the enemy's designs against our possessions, or our trade in the Mediterranean, because I cannot suggest to myself any designs they could form against either, which might not have been easily prevented without our being at one shilling expence for secret intelligence. With regard to Gibraltar, they could form no dangerous design against it, because I really take it to be impregnable. There are but two ways of taking it from us, that is, by treachery or by starving. Against the first, the most proper way to provide, is by this House's having always a watchful and a strict eye over the conduct of our ministers; and against the last, we may easily provide, for surely it is easy for us to have always three or six months provisions in the place, and in that time we shall always have an opportunity to send a squadron from England for its relief; for in order to take it by starving, it must be blocked up by sea as well as by land.

With regard to Port-Mahon, indeed, I shall grant it may be taken by a siege, if the enemy should once land a sufficient army in the island for that purpose; but then, if we have a squadron in those seas, they must send at once not only ammunition and all other things necessary for the siege, but they must also send provisions for subsisting their army during the siege; for though their army should by stealth, or by accident, get into the island, they could expect no supply of provisions after

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our squadron came up to prevent it. My lords, if we consider these difficulties: if we consider that the Spaniards must land at least 10,000 men to conquer the island of Minorca: that this army must carry every thing, even provisions along with them: that their fleet for transporting this army might be intercepted in its passage by our men of war: that, even after their landing, a brisk attack from the seamen of a powerful squadron, assisted by a sally from the garrison, might ruin their whole army, and of course make them all prisoners of war: I say, if we consider these things, our fears about Minorca will appear as chimerical as our fears of an invasion at home. This, indeed, has been the bane of our conduct during the whole course of this war: by chimerical apprehensions and mere phantoms, we have been diverted from prosecuting the war in the manner we ought to have done. The Spaniards, I believe, were sensible of our timidity, or, perhaps, had directions from hence: they made a feint as if they intended to invade us at home: they made a feint as if they intended to invade Minorca: I have not so much as a suspicion they were serious in either, and yet in both they succeeded in what was their real view. By the first they prevented our sending any land force to the West Indies at the beginning of the war: by the second they drew our squadron away from Gibraltar, and by that means their squadron got safe from Cadiz.

But suppose, my lords, we had thought, that their design against Minorca was real, and suppose they had assembled a sufficient army in Majorca, with a train of battering cannon, mortars, bombs, ammunition, and every thing necessary for a seige, together with provisions for subsisting their army during that siege, which, I am sure, was very far from being the case, what occasion had we to send our chief admiral with a squadron to prevent their design? We knew, they had not so much as one man of war to convoy their transports; three or four men of war therefore would have been sufficient to prevent their daring to put to sea, or to disperse their fleets of transport, and sink or take a great many of them, if they did. To tell us, that a fleet sufficient for transporting 10, or 12,000 men might have stole by our men of war in the night-time, or in a fog, is very surprizing, especially as we knew the port from which they were to sail, and the very point to which they were to direct their course; for the island of Minorca may justly be called a point in the terms usual at sea. Our measures in the prosecution of this war are really provoking; but I must say, my lords, it is still more provoking, to hear such arguments made use of in vindication of such measures.

Our chief admiral being thus gone from Gibraltar as well as Cadiz, and an inferior admiral left there, we are next told, the Cadiz squadron escaped from thence to Ferrol, by an accidental mistake with respect to some fresh orders sent from hence. This, I know, my lords, may very well be: for our orders and instructions are generally so perplexed, that a mistake may very probably happen. In France, their orders to their generals and admirals are always so plain and explicit, that they cannot be misunderstood; but in this country, our orders to our commanders, both by sea and land, are generally drawn up with a view to the safety of our ministers, let what will happen: for this reason, some doubtful expressions are usually made use of, or such as will bear a double meaning. If our commander succeeds in any expedition, our ministers then plume themselves in the success; it was owing to the wisdom of their instructions; but if our commander fails in the attempt, our ministers then cry, he mistook his orders, though the ill success was perhaps entirely owing to some blunder or failure on their part. This was the case, I believe, with regard to admiral Vernon; I believe his orders were very ambiguous; even he himself seemed to think so: had he failed in his attempt upon Porto Bello, our ministers, I am convinced, would have accused him of a rash mistake, and would have denied their having given him orders to make any such attempt, though, if he had failed, his ill success would certainly have been owing to their not having provided him with a proper force. This is now the case with regard to admiral Haddock: the Spanish squadron made their escape, and therefore, this escape must now be imputed to an accidental mistake with respect to orders. My lords, if there was any mistake, let us see where that mistake lies; let us see whether it was not a mistake, that can admit of no excuse. If it was, I am convinced, it was not the admiral's; for admiral Haddock is known to be so much master of his business that he could not be guilty of a gross mistake; and as little can it be suspected to

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have been the mistake of the other admiral left at Gibraltar, whose experience and conduct have, upon former occasions, been sufficiently manifested.

As for what has been mentioned in relation to admiral Rook, we know, my lords, the history from which it was taken. It is a story of bishop Burnet's in his History of his own Times, and those who have sat in this House with that prelate must know, he was a very credulous, weak man. I remember him, my lords in this House, and I likewise remember, that my lord Halifax, my lord Somers, and his other friends in the House, were always in a terror when he rose up to speak, lest he should injure their cause by some blunder. With regard to what he says against admiral Rook, I know, I have heard it from those that were present, that the greatest part of it is a downright lie: the bishop, it is well known, was no friend to that admiral; and therefore he easily gave credit, as he generally did in like cases, to every malicious story he heard against him.

But this, my lords, does not signify much with respect to the question now before us; I took notice of it only in order to vindicate that admiral's character from the malicious stories the bishop has recorded against him. I wish we had prosecuted this war with as much wisdom and vigour as we did the war we were engaged in, when that admiral commanded our squadrons. We then attacked the enemy both by land and sea; we attacked them in every part with vigour, and generally with success; we undertook many expeditions; our orders to our admirals then certainly contained many important secrets, yet, during the continuance of that war, several parliamentary enquiries were set on foot, both into the conduct of particular admirals, and into the conduct of the admiralty-board in general. For that purpose, many papers were called for, no papers were ever refused that were called for, and yet we do not find, that any of the secrets of our government were ever thereby discovered to the enemy. What then should make us so much afraid now of discovering the secrets of our government? Does this House, or does the other House now deserve less confidence from our ministers than in the late war? My lords, I am convinced, the opposition to this and all such motions does not proceed from any apprehension, lest the secrets of our government should be discovered to the enemy, but from an apprehension, lest this House and the nation should discover, that our government have no secrets relating to the prosecution of the war, or perhaps that our ministers have given such orders, as must prevent its being prosecuted with effect.

From what I have said, my lords, there must, I think, arise some very strong suspicions, that the war has been misconducted or neglected; and if this be a motive for an enquiry; if a most general murmur among the people be a motive for an enquiry; if a most melancholy state of affairs be a motive for an enquiry; if these three motives united together can or ought to prevail with us to enquire into the late conduct of our public affairs; then, I say, it is now absolutely necessary for us to enter upon that enquiry; and if this be necessary, there can be no question about calling for the papers now moved for, because whatever secrets they may contain, we must have them, we must see them, we must examine them, either in the House, or by a committee, before we can enter upon such an enquiry. Therefore, if this motion be disagreed to by a majority, I shall conclude, that your lordships are against any enquiry, in which case I shall condole with my country upon the dismal prospect of its affairs; for, I think, it is evident, that our operations of war are under the influence of the same pusillanimous spirit, which influenced our late negociations for peace; and if your lordships are resolved to allow the same spirit to continue its baneful influence, I shall expect to see the former as tedious and fruitless as the latter; but the effects will be much more fatal; for during our peaceable negociation, the nation was at no great extraordinary expence, and our trade suffered only in one branch; but now the nation is loaded with a monstrous expence, and our trade suffers in every part, which must exhaust us so effectually, that in a short time, instead of attacking the enemy we shall be in no condition to defend ourselves.

This dismal effect, I hope, your lordships will endeavour to prevent: I hope you will, by a strict enquiry, endeavour to remove that influence which clogs the wheels of all our warlike operations; and this ought to be the chief intention of your enquiry. There may be some guilty persons amongst us, but their punishment is of little consideration, when compared with the impending ruin of the nation: the averting of this ought to be our prin-

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cipal aim; and for this purpose, we ought to interpose with our most sincere advice to our sovereign, which we cannot pretend to do, without first making ourselves acquainted with the late conduct, and the present state of our public affairs. We have too long put an implicit faith in the conduct of our ministers: the effects may now convince us, we have been in the wrong. The dangerous state of the affairs of Europe, the unlucky state of the affairs of this nation, must convince us, that if the late conduct of our minister has not been wicked, it has at least been unwise. For many years he gave us a sample of his dexterity in managing foreign negociations; he has now given us a sample of his dexterity in managing a war: I do not think we have great reason to applaud his dexterity in either. By negociating alliances with all the powers of Europe round, we at last left ourselves without one friend or ally in the world: by negociating with Spain for a peace, we blundered ourselves into a war: by an imprudent prosecution of that war, we may blunder ourselves into inevitable ruin. We are now upon the brink of a precipice: shall we still keep our eyes shut, and trust our retreat to the guidance of him, who inadvertently, I shall not say designedly, brought us into the danger? I am sure, my lords, I shall not, if I can by any means avoid it, and therefore I must be for agreeing with the noble lord in his motion.

The *Lord Chancellor:*

My lords; though I may perhaps have a greater confidence in the conduct of our ministers, than the noble duke that spoke last, yet I do not form my opinion, in any question of a political nature, by a sort of faith, but by enquiry and conviction. If I allowed myself to be governed by a faith in what any man says, I am sure, with regard to my opinion of the conduct of the present war, I should as readily put a faith in what the noble duke says of it, as in what can be said of it by any other man in the kingdom; but in all cases that come before this House, I think myself obliged, both in honour and conscience, to depend upon my own judgment alone, weak as it is, and according to that to regulate my behaviour here. It is, I confess, my lords, a very great misfortune to those concerned in the administration, to have the noble duke's opinion against their conduct in the war, because his grace's experience in military affairs, and his character in the world, must of course contribute a great deal towards giving people a prejudice against the measures of our administration: but as every lord in this House is obliged carefully to guard against his being prejudiced by the opinion of another, I have without prejudice or favour examined strictly, and considered maturely, every step of our conduct since the war began; and upon the nicest scrutiny, I am fully convinced, that every step we have taken was the most prudent that could be taken in the circumstances we were then in, and that nothing has been omitted or neglected, which we could in prudence, or with any view of success, resolve to undertake. This, my lords, is my opinion, and I believe, it would be thoroughly confirmed by an impartial enquiry into the conduct of our ministers: by such an enquiry they would be justified; but, my lords, by such an enquiry at this time, the nation might probably be ruined; and therefore, though I shall be as ready as any lord in this House to enter upon an enquiry, when a seasonable opportunity offers, yet at this time I cannot help declaring against it.

The noble duke was pleased to say, that in most questions of a political nature there are inconveniencies of both sides, and we ought to chuse that side, which is attended with the least or the fewest inconveniencies. I shall admit, that the question before us is a question of this nature: there is on each side a danger to be apprehended, and every lord ought, I hope every lord will chuse that side, which he thinks least exposes the nation to danger. By having the papers now moved for, laid before this House, it is granted by all, that we shall expose the nation to the danger of having its secrets divulged to the enemy: by refusing to call for these papers, and consequently deferring an enquiry into the conduct of the war, it is said, by the lords who spoke in favour of this motion, and by them only, that we shall expose the nation to the danger of having the war continued to be conducted by those, who have already shewn, that they have neither wisdom, skill nor courage, to conduct it in a proper and effectual manner. Of these two dangers I shall readily grant, that the last is the greatest; but I cannot agree with the noble lords in thinking, that there is any such danger; for if the war has hitherto been conducted with all possible wisdom and vigour, the nation can

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then be exposed to no danger, by having the future conduct of it continued in the same hands.

Thus your lordships must see, that the question now before us turns entirely upon the opinion each lord may form to himself of our past conduct in the war. Those who think, that our conduct hitherto has been excessively bad, will, I believe, give their opinion upon the affirmative side of this question; and those who think otherwise, must certainly declare themselves for the negative. But, my lords, I must observe, that no lord ought to declare for the affirmative, unless he be fully and clearly convinced, that our conduct has been excessively bad; because this question, if agreed to, will in its consequences expose the nation to two very great dangers: one of the two I have mentioned already, which is that of having the secrets of our government disclosed to the enemy: this danger, whatever others may think, is, in my opinion, almost unavoidable; for I think, it is hardly possible to conceal what is communicated to two such numerous assemblies, as this and the other House of Parliament; and though we should both name select committees, yet every thing must be communicated by that committee to the whole House, that may be intended as a foundation for the opinion, determination, or resolution of the whole House; for surely it could not be expected, that the House would, upon the report, agree to the resolutions of their committee, without being made acquainted with every fact, and seeing every paper upon which those resolutions were founded.

I do not at all wonder, my lords, at our historians not having complained of the secrets of our government having been discovered to the enemy, or of the nation's suffering by such discoveries, because, though we have had many parliamentary enquiries, yet those enquiries have generally been into the conduct and management of some particular person, or of some particular affair, and were never set on foot, till the affair was quite over, which was to be enquired into. Of this nature were all the enquiries during the continuance of the two late wars: That in relation to admiral Russel was set on foot at his own desire, which he was prompted to by some reflexions thrown out against his conduct, upon the motion for returning him thanks. It related to a particular affair only, and was not set on foot till after the affair was over; so that if there were any secrets in the papers relating to it, they were such as could be of no advantage to the enemy, nor of any prejudice to this nation. That against admiral Rook was likewise an enquiry into a particular affair, and into that particular admiral's conduct with regard to that affair; and it was not set on foot, till long after the affair was over. As to the general enquiry that was made, during the last war, into the conduct of the admiralty-board, your lordships all know, it was set on foot on a complaint of the merchants against that board, and it related only to the measures they had taken for protecting our trade by cruisers and convoys, which could contain no secrets that could be of any advantage to the enemy, because the measures taken for protecting our trade must be in a perpetual course of fluctuation, according as accidents happen, occasions require, or advices arrive.

From hence, my lords, it is plain, that none of the parliamentary enquiries set on foot during the wars in king William and queen Anne's time, can be brought as a precedent for the enquiry now proposed; nor can it be said, that any of them were so much as liable to the objection of being attended with the danger of discovering the secrets of our government to the enemy. But besides this, my lords, an enquiry into the late conduct of our public affairs would be attended with another danger, which in its consequences might be extremely pernicious to the nation; I mean that of creating a breach between his majesty and his parliament. We know how apt people are to find fault with those placed in authority over them, and how ready they are to aggravate the inevitable mistakes or human frailties of a minister: This is the reason, that, when a minister's conduct comes under the inquisition of parliament, he seldom gets off without a censure. Though our present ministers are, I believe, as free from faults as any ministers ever were, yet one does not know, what might be the consequence of a parliamentary enquiry. With regard to some of them, the enquiry might end in a censure, and the consequence of this would be an Address to his majesty to remove them: Perhaps his majesty might not be of the same opinion with his parliament; for, in this case, I hope it will be allowed, he has a right to judge for himself. Perhaps he might not think his ministers deserved censure, though his parliament did;

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and if he thought so, he would probably refuse to remove them. On the other hand, the parliament would probably insist upon their request being complied with; and this might at last produce a total breach between king and parliament, which would be one of the most unlucky accidents that could happen to this nation in its present circumstances.

Having thus, I hope, set in a clear and a true light the dangers that attend our enquiring into the late conduct of our public affairs, and calling for all the papers, and all the lights that may be necessary for that purpose, I hope, your lordships will think, we ought not wantonly, and without a very sufficient cause, to expose our country to these dangers; and therefore, I think, every lord that is to give his vote in favour of this question, ought to be fully convinced from his own knowledge, and according to his own judgment, that the war has been hitherto most egregiously ill conducted: and that it is impossible to expect any success, whilst it remains under the same sort of management. As I have no experience in warlike affairs; as I know nothing of them, but what I have learned from reading and conversation, I shall not pretend to account for our not attempting to attack the enemy at land in Europe: all I can say is, that we never got much by any such attack, and therefore, unless we could have expected to meet with the plunder of some galleons, as we did at Vigo, or some such booty, I think no advantage we could have proposed to reap by such an attack, would have equalled the risk and expence. And as to the West Indies, we have now sent a force thither, from which we have all the reason in the world to expect great national advantages, and which will, I hope, soon compel the enemy to submit to reasonable terms. We might, perhaps, have done more against the enemy, both in Europe and America, than we have done; but I am very sure, I cannot positively say so: This may, indeed, proceed from my ignorance in warlike affairs; but, my lords, this very ignorance is a good reason for my giving my negative to this question, because neither I, nor any lord in this House, ought to expose his country to dangers, which he clearly foresees, for the sake of avoiding a danger, which he cannot foresee or comprehend.

But, my lords, though I have no experience, and very little knowledge in warlike affairs, yet I have some knowledge in history, and when I compare what has been done in the present war, with what was done in the former wars which we have been engaged in against Spain, I cannot much complain of our inaction either in Europe or America. In queen Elizabeth's time, though the war against Spain began in 1585, and lasted till that queen's death in 1603, which was 17 years, yet in all that time there were but three or four expeditions of consequence undertaken against the enemy, either in Spain or the Indies; and though the private adventurers got sometimes a rich booty, yet the nation never reaped any advantage, nor kept possession of any one place they had the good fortune to take. Again, in Oliver Cromwell's time, though the war against Spain began in 1654, and continued till his death in 1658, yet no one expedition was undertaken, or I believe, so much as thought of, against any of the dominions of Spain, except that one expedition by which the war was begun, and by which we got and kept the island of Jamaica in the West Indies; so that in the main it cannot, I think, be said, that we have been less active in the present war, than we were in that begun by queen Elizabeth, or in that begun by Oliver Cromwell; and, I believe, neither queen Elizabeth's nor Oliver Cromwell's government will be accused either of want of wisdom, or want of vigour.

I do not therefore think, my lords, that there has been any such misconduct or negligence in the prosecution of the war, as can afford any reasonable cause for this House to set on foot such a general enquiry as seems to be the intention of this motion; and as to the other causes mentioned by the noble duke, for prevailing with us to enter upon such an enquiry, they cannot, I think, when rightly considered, have any weight. The present unlucky situation of the affairs of Europe, is evidently owing to the death of the emperor; and the situation of our affairs at home can no way be said to be unlucky, otherwise than as we may be involved in the misfortunes that may result from that unlucky accident. As for the murmurs or clamours without doors, they can never of themselves be a sufficient cause for an enquiry, especially with regard to our conduct in time of war; for in every war there will be such murmurs. In the last glorious war, notwithstanding our repeated and continued successes, there were murmurs against the conduct of the war, and those murmurs were, I believe, as general as

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they are against our conduct in the present. But, my lords, when we talk of the murmurs and clamours without doors, we ought to reflect on the many false, seditious, and scurrilous libels that are daily published against his majesty and his government, as well as against the measures of the administration. It is to these chiefly, that all the clamours and discontents of the people are most properly to be imputed. By these libels his majesty's government is traduced; and every measure that can be pursued by the administration misrepresented; and as the people are always more apt to find fault with, than to applaud or justify the conduct of their superiors, they swallow greedily, and believe implicitly, the falshoods and misrepresentations, contained in these libels, while at the same time they yield no attention, or, perhaps, will not be at the pains to peruse, what is wrote in favour of the government of their country. Therefore, if your lordships have a mind to enquire into any thing, there is no subject more proper or necessary for your consideration, than an enquiry into the authors and publishers of these libels, and the most effectual method for putting a stop to this growing evil.

Such an enquiry as this, my lords, could expose our country to no danger, but might lay a foundation for our tranquillity in all time to come: whereas an enquiry into the conduct of a war, *flagrante bello*, must always be attended with great danger, by rendering in a manner public, all the measures that have been taken, and all the measures that have been concerted, either for distressing the enemy, or defending ourselves: nor is it, my lords, any way inconsistent with the dignity of this assembly to suppose, that what is once laid before us must soon be made public, especially whilst you admit so many strangers to be present at all your debates. This, my lords, is really inconsistent with the dignity of this assembly: you depart from your ancient dignity, when you admit of such an audience; and the misfortune which necessarily attends it is, that what is said or done in this House, is too often made a handle of, for inflaming the minds of the people, and for raising those clamours and discontents without doors, which are afterwards made use of as arguments for influencing our proceedings within; but such arguments I shall never allow to have any weight with me; and as they seem to be the chief arguments in favour of this motion, I must therefore declare myself against it.

The Earl of *Chesterfield*:

My lords; I differ so widely from the noble lord that spoke last, in my opinion about the conduct of the present war, that, I think, without any skill in military affairs, and with but a very moderate knowledge of history, or of the present state of this nation and Spain, one may clearly see, that this war has been most weakly conducted in every part; and the enquiry intended by this motion, I look on as an enquiry into the worst-conducted part of the worst-conducted war that was ever carried on by this nation, or, I believe, by any other; for a nation engaged in war generally exerts it utmost strength, and if it does not attack the enemy with vigour, it is because of its being so unequally matched, that it has hardly strength enough to defend itself. Is this our case in the present war? Is not the very contrary our case? The enemy we are now engaged with has always been, and is now, a most unequal match for this nation: it is absolutely impossible for them to attack us in any part of the world, with a probable view of success; it is absolutely impossible for them to defend themselves, in that part of the world where it is most our interest to attack them, if we exert our strength, and apply it in a prudent and vigorous manner. But this, my lords, we have not done: we have indeed put ourselves to a great expence in warlike preparations; but instead of sending our forces abroad to attack the enemy, we have kept them at home as a spectacle or an oppression to our own people. We have made no vigorous effort in any part of the world; and in that part which the present motion relates to, the only effort we have made, has been, in my opinion, a wrong one. We have employed our squadron upon the coasts of Spain, to keep their squadron, their flota, and their ships in port, whereas we should have invited them out; we should have tempted them to put to sea; because if we had at first sent a sufficient squadron to the West-Indies, they could have done us no harm; and we should have had a chance of meeting with, and destroying them at sea; but whilst they remained in port, as we had resolved not to attack them there, we had no chance of doing them an injury.

But this, my lords, is not the worst part

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of our conduct. The design on which we employed the squadron under admiral Haddock was bad; but even that design, bad as it was, we have executed in a most unaccountable manner. When that squadron first took its station off Cadiz, the enemy had then in that port a flota designed for the West-Indies: the rich cargoes designed to be sent by that flota were then all on board, and the ships almost ready to depart. The enemy had besides in the same port, a squadron of men of war; but that squadron was far from being provided with men, stores, or provisions; and as the enemy are always in great want of all these necessaries, we knew, it was not in their power to fit out that squadron, so as to be fit for sailing, in a great many months. These being the enemy's known circumstances, what did our squadron do? It continued before Cadiz, not to keep in the enemy's squadron, but to keep their flota from sailing, lest we might have a chance of making something considerable by the reprisals we had issued, which was at first the only method we had wisely proposed for bringing the enemy to reason, and therefore is the more surprizing, we should take measures to prevent its effect. However, in this, if it was our design, we succeeded; the ships of the flota were unloaded and laid up, or converted into warships, and the seamen and stores provided for them, were made use of for fitting out their squadron with the more expedition, so that at last it was fit for sailing, or at least as fit as the enemy could make it. As the preventing this squadron's putting to sea, was our professed design, one would think, we should then have been more careful than ever of keeping our squadrons before Cadiz, or at least in such stations as to be ready to follow or intercept the enemy's squadron, in case it should dare to put to sea. Was this the case, my lords? No, as soon as the enemy's squadron was fit for sailing, our squadrons were all sent out of the way, and so far as appears, without orders to take any farther notice of the enemy's squadron at Cadiz.

My lords, this conduct is really most unaccountable: it would almost provoke one to suspect treachery; yet this still is not the worst. The enemy's squadron sailed from Cadiz to Ferrol: it remained there some months: it took in regular troops, warlike stores, and provisions, for supplying the Spanish garrisons in the West-Indies: it sailed again from Ferrol to America, and all this without the least disturbance or interruption from any of our squadrons. Soon after, two squadrons sailed from France to the same part of the world: what was their design, I shall not pretend to determine; but, I am sure, we had reason to be suspicious; and though admiral Vernon, who was now brought to be upon the defensive, had made the best disposition possible, yet from many circumstances I have some reason to believe that his safety, and the safety of our island of Jamaica, were more owing to tempests and Spanish indolence, than to our conduct or foresight. As we were in friendship with France, and had an uninterrupted correspondence with every part of that kingdom, we certainly knew of their preparations, we certainly knew of their squadrons sailing; yet we took no care to send a squadron immediately after them, but left admiral Vernon, and all our sugar islands, for two or three months to the mercy of French faith and sincerity.

Was there any prudence in this, my lords? Has there appeared either wisdom or vigour in any one step of our conduct since the war began? The noble lord says, the present question must turn upon the opinion each particular lord has formed to himself of our conduct of the war. It certainly does so; but I will say, that if your lordships do not think, that our conduct hitherto has been excessively bad, you will differ from the opinion of every man in this nation, and every man in Europe, that knows any thing of the circumstances of this nation and Spain. Do not our common news-papers, does not every traveller that comes from abroad, inform us, that our conduct in the war is ridiculed and hooted at every court, and in every city in Europe? The learned lord who spoke last may, perhaps, know very little of military affairs, because he has always been employed in serving his country in a different capacity; but it is the business and the duty of every lord, and of every gentleman, that is not of the robe, to know something of military affairs. In France they have no notion of a gentleman that is not of the robe or the sword; and if your lordships refuse entering into an enquiry, because you have a good opinion, or because you have not an excessive bad opinion of our past conduct in the war, I am convinced, foreigners will think, that this House is chiefly composed of divines or lawyers, or at least they will think, we know nothing of what ought to be the busi-

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ness of every gentleman, not bred to either of these professions; which is an opinion we ought not to propagate, at such a critical conjuncture.

The learned lord says, we ought not to enquire into the conduct of the war, *flagrante bello*. My lords, it is not proposed to enquire into the conduct of the war, *flagrante* but *languente bello*; and if we do not enquire into it while it is *languens*, I believe we shall have no opportunity to enquire into it while it is *flagrans*: at least, I believe, we shall have no such opportunity as long as it is under the same management. But why should we be so cautious of enquiring into the conduct of the present war, even during its continuance? I am persuaded, we cannot thereby discover any important secrets to the enemy; because, I am convinced, there are none such in any of the papers now moved for: at least, none but such as may ruin the nation by their being concealed. If there are any that may hurt the nation by their being revealed, his majesty will certainly tell us so in his answer to our address; and then we can direct our future proceedings accordingly. And as to the danger of creating a breach between his majesty and his parliament by such an enquiry, I am surprized to hear such a thing insinuated by a noble lord who is so well acquainted with our constitution, and with his majesty's personal virtues. Our present sovereign, my lords, is too well acquainted with the happy constitution of our government, and has too great a regard for it, to employ any minister, whom he knows to be disagreeable to his people or his parliament. Therefore we cannot be in the least apprehensive, that his majesty would continue in his service a minister whose conduct had been censured by parliament, and much less that he would rather break with his parliament than comply with their request in removing any minister from his service.

Thus, my lords, it is evident, I think, that no danger, no inconvenience can ensue from our enquiry; but if we make no enquiry, God knows what may be the consequence: the war will be continued in the same languid manner; our merchants will be plundered; our trade will be ruined: our revenues will sink; our debts will rise, till at last we shall have no funds for continuing the war: and when we are thus exhausted, those we now seem so much afraid of, will probably declare against us; I say probably, my lords, because they may then do it without danger; for their having sat quiet so long, is, I believe, more owing to their fear than their inclination. But suppose this misfortune should not befal us, even our own people will at last become mutinous; they will at last begin to look upon those in authority over them, as their greatest enemies, and will be ready to join with any enemy, even the Spaniards themselves, in order to get rid of such a government. In all governments it is reckoned a great happiness, to have a regular, legal method for giving the people satisfaction, when they appear generally discontented with the conduct of those at the helm of affairs. The legal method established by our constitution for this purpose, is by a strict and impartial parliamentary enquiry: by this method we shall always be able to quiet the minds of the people, either by punishing the guilty, or justifying those that are wrongfully accused. But if our parliament should neglect and despise the complaints of the people, in pursuance of some doctrines I have lately heard advanced in this House, the people will despair of any legal redress; and in that case, they will certainly begin to think of doing themselves justice by a general insurrection. The consequence of this may be fatal to many innocent, as well as the guilty; nay, it may prove fatal to our present happy establishment, and therefore I am always surprized to hear any one, that has a regard for our royal family, profess a contempt of popular clamours or discontents.

My lords, I must think it very unlucky in any one, that argues in favour of our conduct in the present war, to mention queen Elizabeth or Oliver Cromwell: both of them began the war against Spain in a very different manner from what we have now done. Queen Elizabeth began the war, by sending an army into the Low-countries, to assist them in throwing off the yoke of Spain: at the same time she sent a squadron, with land-forces on board, to the West-Indies, not with simple or ambiguous orders for making reprisals, but express orders to attack the Spanish settlements; and accordingly they took and plundered St. Jago, one of the Cape Verd islands, as also most part of the island of St. Domingo, the town of Carthagena, and towns of St. Antonio and St. Helena in Florida. The very next year after the return of this fleet, she sent another under the same admiral, Drake, to the coasts of Spain, which did not lie to be stared at off

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of any of their ports, but entered the harbour of Cadiz and the river of Lisbon, and burnt a great number of ships; and though the admiral had no land forces on board, yet he landed at several places upon the coast of Spain, and ravaged the whole country round: at the same time she sent Cavendish to the South seas, where he ravaged the whole coast of Chili and Peru, and returned to England with a booty vastly rich. The year following was the year of the Spanish Armado, the fate of which I need not relate. The next year, with the assistance of some private adventurers, she sent a fleet and army against Spain itself, where they landed at several places, beat an army that was sent against them, and might have got great booty, if they had not amused themselves with restoring the dethroned king of Portugal. The four or five years next following, that great queen was chiefly employed in assisting Henry the 4th of France against the Spaniards and his own rebellious subjects; and in the year 1596, a new fleet and army was sent against Spain under the earl of Essex, who took the city of Cadiz, burnt or took all the ships in the harbour, and after having done the Spaniards an infinite deal of mischief, returned to England with a most considerable booty.

Besides these, my lords, there were several other expeditions of less note undertaken against the Spaniards in that reign; and if we did not, at that time, keep possession of any of the places we took from the enemy in the West-Indies, it was because we did not then so well know the benefit of settlements in that part of the world. But if queen Elizabeth did not push the war against Spain with so much vigour as she might have done, there were two reasons for it, which do not now subsist. In the first place, our trade, which was then in its infancy, suffered but very little by the war, and we were yearly getting great riches by plundering the enemy at sea or land; and, in the next place, that gracious queen was extremely shy of loading her subjects with any taxes, or putting the public to any expence. When she found herself under no necessity to send out forces to attack the enemy, or assist her allies, she kept no army or squadron at home to be a burden and oppression upon her own subjects. She raised no armies, nor fitted out any squadrons, but when she had immediate occasion for them, or was in imminent danger: and as soon as the service, or the danger was over, she dismissed her armies, and paid off her squadrons. I wish I could say, we have held the same conduct ever since, or that we now hold such a conduct.

Having thus explained queen Elizabeth's conduct, I shall be but very short, my lords, with regard to Oliver Cromwell's. It is well known, he began his war with Spain by the conquest of Jamaica, which has since brought in so many millions sterling to England; and, if it had not been for a mistake in his general, he would probably have begun it with the conquest of St. Domingo, which would have been an acquisition of much greater consequence to this kingdom. If he did not second his blow in the West-Indies, it was because he engaged with the French in their war against the Spaniards in the Netherlands, by which he got possession of the important city and port of Dunkirk; and he died in little more than two months after he had made this new and important acquisition, which we might to this day have had in our possession, if the parliament, upon the restoration, had done their duty, and annexed it to the crown of England. I wish the nation may never again suffer by the same sort of neglect.

Thus your lordships see, that both in queen Elizabeth's, and Cromwell's time, we began the war against Spain, by giving them a severe blow in the West-Indies. Have we done so now? Such a blow might easily have been given at the beginning of this war; but it will grow every year more and more difficult, and is therefore not to be hoped for from those who neglected to give it at the beginning. It is now above a year since the war was declared: it is near eighteen months since hostilities were resolved on: what have we yet done? The war has already cost the people of this nation above 3 million sterling; and, except what admiral Vernon has done, I shall not say without orders, but I am sure without express orders, we have not done the enemy three farthings worth of damage. I do not reckon taking their ships, because, in that way, I am convinced they are more than equal with us. Can the people be satisfied with such a return for the money they have so cheerfully advanced? My lords, if the nation be inflamed, it is not by seditious libels, but by weak measures, by measures that are universally condemned; and from our histories it will appear, that the people of England were never universally in the wrong. Whilst any doubt remains, they will hear,

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they will attend to what is said on both sides: and they seldom, in general, judge amiss. But when weak measures are supported by weak arguments, I do not wonder at the people's refusing to read papers, where they can expect neither sense, wit, nor amusement.

But in fact, my lords, I do not think there are any false or seditious libels published, unless it be those called gazetteers; and suppose there were, shall this House descend so far beneath its dignity, as to become a court of inquisition into the authors and publishers of pamplets and newspapers? This, my lords, is the proper business of a Middlesex justice of peace. If we should take their business upon us, I am sure I should be for turning all strangers out of the House, because I should be ashamed of what we were about. I should then, indeed, be for keeping our doors shut; but whilst we do nothing unbecoming, and when we have no important secrets under deliberation, it is an advantage to us to have as many strangers admitted as possible, because the dignity, the justice and the candour of our proceedings are thereby published to the world.

My lords, it is not by excluding all sorts of strangers, that you are to preserve the ancient dignity of this assembly: it is by excluding all manner of quibbling, impertinence, deceit, weakness, and corruption. These, I hope, are strangers here: I hope your lordships will take care never to admit any one of them within these walls; but by excluding other strangers, when you have nothing of a secret nature under consideration, you will only raise a jealousy of the dignity of your proceedings; and if this jealousy should become general without doors, you will in vain seek for respect among the people.

Lord *Hervey:*

My lords; as so much has been already said upon this question, I cannot propose to entertain your lordships with any thing new upon the subject, and therefore should have avoided giving you any trouble at this time; but I think the question so important and dangerous, that I could not have forgiven myself, had such a question been agreed to, without my testifying previously my dislike to it. It has, I think, on all sides been acknowledged, that nothing can, that nothing ought to induce any lord to give his assent to this question, but a thorough conviction, that our conduct in the war hitherto has been most intolerably bad. Now, my lords, in order to have such a conviction, I think there are several other things necessary, besides a competent skill in military affairs. We ought to know the present circumstances of this nation in every respect; we ought to know the present circumstances of the enemy in every part of their dominions; the strength and condition of their fleets and fortifications; the number and state of their land forces and garrisons; and the capacity, temper, and qualifications of their ministers, governors, and commanders: And farther, we ought to know the present interests and views, as well as the strength, of all the powers in Europe, that may declare for us or against us in the present war. Without a competent knowledge in all these particulars, as well as in the nature of military affairs in general, I think, we judge rashly, if we pass such a sentence upon our past conduct in this war, as to say, it has been intolerably weak or imprudent; and as I can pretend to no such knowledge, I cannot pass such a sentence; consequently, according to what has been allowed of all sides, I ought not to declare for a general enquiry into the conduct of the war, *pendente*, I shall not say, *flagrante bello*, and therefore, I ought not to agree to this question.

How people's sentiments about the proper methods for obtaining redress, or for prosecuting the war, come to vary so much as they do, I do not know; but, my lords, when hostilities first began to be talked of, I think it was the general opinion, that we ought not to begin with declaring war against Spain, for fear of alarming the other powers of Europe; and because, by sending our squadrons out to make reprisals, we might soon be able to get sufficient for repairing the damage suffered by our merchants, and to compel Spain to give us security for the freedom of our trade and navigation in time to come. And in order to prevent their being able to do us any mischief, the most prudent method was thought to be, to prevent their sending out any squadron, by blocking it up in port. These, I say, were peoples sentiments, when hostilities first began to be talked of: I hope they have not varied for no other reason, but because our ministers fell into these sentiments, and pursued these very methods. Now, my lords, if it would have been imprudent in us to have begun with a declaration of war against Spain, I am sure, it would have

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been more imprudent, and would have given a greater alarm, to have begun with an expedition for making any conquests upon them, either in Europe or America. But suppose, my lords, we had resolved to begin the war in this manner, it was not really in our power; we had no land forces to spare at the beginning of the war, nor could we send more ships to the West-Indies, than were actually sent, considering the great number of ships we were obliged to employ for blocking up the enemy's squadron at Cadiz, for protecting our trade at home and abroad, and for guarding our own coasts against any invasion that might be designed against us, either by Spain, or any other power in Europe; and considering the great distress we were in at the beginning of the war for want of seamen.

Though I do not pretend, my lords, to any great skill in military affairs, nor to any great knowledge in history, yet I could undertake to shew, that, at the beginning of this war, the Spaniards were better provided for their defence, both in Old Spain and America, than they were either in queen Elizabeth's or Oliver Cromwell's time; and that it was less in our power to hurt them, than it was at either of those periods. In queen Elizabeth's time, it is true, the king of Spain had great armies on foot; but his armies were mostly employed in Italy and the Netherlands: He had not in Spain near such a numerous army as they have at present, though he was then in possession of Portugal, which he had conquered but a few years before, and, consequently, had the whole coast of Portugal, as well as the coasts of Spain, to defend against our invasions. And with regard to their settlements in the West-Indies, the Spaniards had then no regular troops in that part of the world, nor were the inhabitants near so numerous as they are at present. Then, my lords, with regard to the fortifications, it is certain, that most of the sea-ports, both in Old-Spain and America, are now much better fortified than they were in queen Elizabeth's time, especially the port and city of Cadiz; for several new works have since been added to the fortifications of the city, and several new castles built for defending the harbour; and yet, even at that time, the success of the expedition under the earl of Essex was more owing to a lucky accident, than to the weakness of the place, or to the vigour and conduct of our attack.

From these considerations, my lords, I must conclude, that it is not now so easy to attack the dominions of Spain, either in Europe or America, as it was in queen Elizabeth's time: and, with regard to the strength of this nation, though queen Elizabeth did not keep a regular standing army in continual pay, because it was not then the custom in this or any other country in Europe to do so, yet she had always an army at command, of as good troops as any that could be brought against her; and the militia of this kingdom was then better disciplined, and more to be depended on, than it is at present. Our own histories inform us, that in the year 1588, when the Spanish Armado was sent out against this nation, queen Elizabeth had an army of 40,000 men assembled, besides a well-disciplined and well armed militia, all ready to march against the enemy, if they had landed in any part of this island; and therefore we cannot be surprized at her being able to send a small body of troops to attack the Spaniards in the West-Indies, as soon as she resolved upon a rupture with that nation. To these advantages I must add, that queen Elizabeth was in no danger of being attacked at the same time by France, nor was the power of the crown of France near so formidable as it is at present.

This last advantage, my lords, was likewise enjoyed by Oliver Cromwell, when he resolved upon a rupture with Spain; and he had a much greater regular army on foot, than we had at the beginning of the present war: Besides, the government of Spain was then under so weak an administration, that it was hardly able to support itself, and much less to attack him in either of these islands; therefore he was in no danger of being invaded at home, and consequently might spare a few of his troops for attacking the Spaniards in the West-Indies, without exposing the domestic tranquillity of the nation to any danger of being disturbed. Was this our case at the beginning of the present war? Can it be said, with any confidence, that we were in no danger of having our domestic tranquillity disturbed by an invasion, in case we had sent out any part of the small army we had then on foot, to attack the Spaniards at land, either in Europe or America? From Spain we were certainly in danger of being invaded; for they were actually preparing for it; and though France has not yet, and I hope will not declare against us, yet, considering the

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union between the crowns of France and Spain, we had all the reason in the world to be upon our guard against France, as well as Spain; for the former's having not yet declared against us, may, perhaps, be owing to our not sending any troops out of the kingdom, till after having increased our army by new levies.

Therefore, my lords, if we have not yet made a vigorous attack upon Spain, either in Europe or the West Indies, it is not owing to any imprudence or neglect in our conduct, but to Spain's being now in a better state of defence than it was formerly, to the small army we had on foot, or could raise at the very beginning of the war, and to the great difficulties we laboured under in getting seamen, for many months after hostilities were not only resolved on, but actually begun; and consequently, if we ought not to expose the nation to the dangers, inconveniences, and animosities, always attending parliamentary enquiries, unless we be convinced of our conduct having been excessively bad, I am sure, we ought not, at present, to agree to the setting up of any such enquiry, or to any motion tending that way.

Being thus, my lords, as I have shewn, under an utter inability, or rather impossibility, to attack any of the Spanish dominions at the beginning of the war, what were we to do in the mean time? Surely, I think, it will be granted, that the most prudent thing we could do, till we should have time to augment our army, and discipline our new-raised troops, was, to do the enemy as much hurt as possible at sea, and to take all possible care to prevent their being able to do us any. For this purpose, proper orders were privately sent to our commodore in the West Indies; a squadron was fitted out, and sent to intercept the Assogues ships in their return to Europe, from whence it was ordered to sail to the West Indies; and a reinforcement was sent to admiral Haddock, with orders for him to take his station off the harbour of Cadiz. In this there was a double design; for by being in this station, he not only blocked up the Spanish squadron in that port, but lay in the way to intercept their rich ships returning from the West Indies; and in both he had as much success, I think, as could well be expected; for we have got two very rich prizes, and so far as I remember, not above one rich Spanish ship has escaped safely into that port since the beginning of the war. But our blocking up their squadron and their flota in port was, it seems, what we ought not to have done; because, if both had sailed, they could have done us no injury, and we should have had a chance of meeting with, and destroying or taking them at sea. My lords, if their squadron had sailed, it might, perhaps, have done great prejudice to us, before we could have an opportunity to meet with and destroy it at sea; because it might probably have met with some of our most numerous or richest fleet of merchantmen; and, by defeating the convoy, our enemies might have made themselves masters of that whole fleet. If such an accident as this had happened, the general complaint would then have been, Why did you allow their squadron to sail? Why did not you send a superior squadron to block it up in port? This complaint would, I think, have been more justly founded; and therefore, I think our ministers were in the right to take the most proper measures for preventing such a fatal accident.

Then, my lords, with regard to the flota, I shall grant, that if we could have formed any probable scheme for intercepting it at sea, the best way would have been to have allowed it to sail; but I must observe, that as the Spanish squadron and flota lay both in the same port, we could not block up the one, and allow the other to sail; for the flota would never venture out, as long as our squadron lay before the port, and if our squadron had not taken up that station, we could neither have intercepted the Caracca ships, nor could we have prevented the sailing of their squadron; because, if I have been rightly informed, even the squadron was in such readiness, that it might have sailed as soon as the flota, had not we prevented the sailing of both, by stationing our squadron off the bay of Cadiz.

But, my lords, if we had allowed the flota to get fairly out to sea, it is my opinion, that we should have had but a very indifferent chance of meeting with it any where in its passage to America. It is such a wide sea, and the course so uncertain, that I do not know where we could have stationed any squadron, so as to have a probable view of intercepting the Spanish flota; and if it should have got to Carthagena, or any of the other Spanish ports in America, its safe arrival would have been a great advantage to Spain, and a great prejudice to this nation. The Spaniards might by degrees have got the returns home in single ships; and these

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returns being mostly gold or silver, which are the sinews of war, would have enabled them to support, and even to push the war against us. Then as the markets in New Spain would, by the arrival of the flota, have been supplied with all sorts of European goods, it would have been a great prejudice to that profitable, contraband trade, which is now carried on in that part of the world by the subjects of this nation.

These things being considered, my lords, I must think, it was the most prudent step we could take, to station our squadron before the bay of Cadiz, even though we thereby prevented the sailing of the Spanish flota as well as that of their squadron; and as to our squadrons attempting to sail in, and destroy the ships in that harbour, I must be of opinion, that it would have been a most rash and dangerous undertaking, unless our squadron had been accompanied with a land army sufficient for besieging and taking the city of Cadiz, or, at least, for taking and destroying the many castles and batteries now erected for defending that harbour. Such an undertaking as this, would have required a greater army than we had on foot in Great Britain at the beginning of the war, even suppose we had resolved to send every man of them out of the kingdom; and as such an expedition would have been vastly expensive, as we must have lost a vast number of men in the attempt, if it had not succeeded, which very probably might have been the case, there would then have been a most general and a most just clamour raised against the measures of our administration, in the prosecution of the war.

I have now, my lords, briefly answered every material objection I have heard made against our conduct in the present war, except that of the Spanish squadrons escaping first from Cadiz, and next from Ferrol; and as to both, it is publicly known, that they were owing to mere accidents, which could neither be foreseen nor provided against; so that, I think, I have no occasion to take any farther notice of them. I may say the same with regard to our fleet designed for the West Indies, being so long detained in the channel, after the sailing of the Spanish and French squadrons; and therefore, upon the whole, I must conclude, that in the war hitherto, we have met with no misfortune, nor missed doing any thing in our power to do, but what has been occasioned by accidents, which no human prudence could prevent or provide against.

As this, my lords, is my way of thinking with respect to our conduct hitherto, in the war we are now engaged in: as, I think, we have great reason to expect success from the same sort of conduct in time to come, I am not so fond as others may, perhaps, be of a change of hands; therefore, I cannot think we have any reason for a general parliamentary enquiry into the conduct of the war. Such an enquiry would, in my opinion, be attended with many dangers, and that none of the least considerable, that it might, perhaps, occasion a change in our administration, and might throw the future management of the war into the hands of those, who are so fond of attacking the enemy, that they would expose us to the utmost danger of being attacked in the most sensible part, and in that way which would bring the greatest ruin and desolation upon this island. I am therefore against an immediate enquiry into the conduct of the war; and as, without such an enquiry, we can have no use for the papers now moved for, I shall, without any regard to what may be thought or said by the clamorous without doors, give my negative to the question.

Lord *Carteret:*

My lords, in this debate, as in most others of the like nature, facts are generally contested, or very differently represented; and when the justification or condemnation of a minister's conduct depends upon such facts, the different representation of them is one of the strongest arguments that can be made use of for an enquiry into his conduct. The noble lord says, the sentiments of some people have varied exceedingly since the beginning of the war. What people his lordship means, I do not know; but the sentiments of most people I have conversed with, have been long, and are still, the same. They thought long ago, that Spain deserved our highest resentment; and that no treaty, no convention, nothing could secure the future freedom of our trade and navigation, but our taking a full revenge for past injuries, and a real security against the like in time to come. By real security, I mean our taking and holding possession of some of the Spanish settlements in the West Indies; and by a full revenge I mean our taking satisfaction not only for the damage we have sustained, but for all the insults we have

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met with. These were the ends we were to pursue, according to the sentiments of all those I conversed with; and every one saw, that neither of these ends could be answered by reprisals. Nay, every one foresaw, that by mutual reprisals, we should probably be losers upon the balance; but no one, I believe, foresaw, that our loss would rise to such a surprizing height as it has done.

My lords, through our whole conduct from the beginning of the war, to this very day, we seem to have been afraid of what no reasonable man could apprehend, and to neglect that danger, which every reasonable man had most reason to be afraid of. We have dreaded invasions; we have dreaded what the enemy might do against us, by means of their squadrons, and have neglected the injuries they might do to our trade by means of their privateers; we have dreaded giving the alarm to the other powers of Europe, by our making a vigorous push against Spain, whereas we ought to have dreaded giving encouragement to any one of them to declare against us, by a weak or pusillanimous prosecution of the war. If we had considered only the injuries we had received, and the proper methods to resent them; if we had begun by a vigorous push in America, and thereby made ourselves, in a great measure, masters, which we might have done, of the Spanish settlements in that part of the world; if we had shewn, by sending our army abroad, that we could trust to our own people at home, and despised the vain threats of invasions, it would have restored to us the confidence of our allies, and in that case, those potentates in Europe, who can never have occasion to be jealous of our naval power, or of the increase of our dominions in America, would have kept in awe the other potentates in Europe, who, from such a jealousy, or perhaps from a worse motive, might have inclined to join with Spain against us. But such a conduct as this could hardly, indeed, be expected from those, who have for twenty years together pursued maxims of a direct contrary nature; and who, by pursuing such maxims, have now at last brought the affairs of Europe into the utmost confusion, and the affairs of this nation almost to the brink of perdition.

To pretend, my lords, that we are not to take the most effectual methods for bringing the enemy to reason, is a maxim that must destroy itself, or it will destroy the nation, by rendering the war between Spain and us perpetual. I hope it is now laid aside; for if it is not, I do not know what we intend by the land force and strong squadron now sent to the West Indies: if they are not to be employed in such a manner, as may be disagreeable to some of the friends of Spain, I am sure, they are not to be employed in any manner, that can be beneficial to this nation, or effectual for compelling Spain to do us justice; and therefore, I am sorry to hear such an argument made use of in excuse for our method of beginning the war, because it gives me a most ungrateful suspicion, that the same argument is hereafter to be made use of, for misapplying the force now sent to the West Indies.

But it seems, my lords, besides this of giving the alarm to the other powers of Europe, we had another reason, and if it were true, I shall grant, a much better one, for not beginning the war by sending out a land force to attack some of the Spanish settlements in America; which is, that it was not in our power; and in order to establish this fact, the noble lord endeavoured to shew, that Spain is now in better state for defence, and this nation in a worse state for offence, than in the days of queen Elizabeth. This, I must say, seems to me a sort of paradox; it is somewhat strange, that the crown of Spain, when possessed of Portugal as well as Spain, and when possessed of a great part of Italy, and almost the whole seventeen provinces of the Netherlands, seven of which have since made such a figure in the world; I say, it is somewhat strange, that in these circumstances the crown of Spain should not be in a better state, either for offence or defence, than it is at present. Perhaps they had not at that time so many old regular regiments in Spain and Portugal, as they have now in Spain: but had we any such regiments in England in the days of queen Elizabeth? Every one knows we had not: She never kept up a standing army; she never raised any troops or regiments till she had occasion for them; as soon as they were raised, they were sent upon the service designed; and as soon as the service was over they were disbanded, and obliged to betake themselves to their former industrious employments. Were not then the militia or new raised troops of Spain, as good as any militia or new raised troops she had to send against them? If they were not, it was because the common men of this nation are naturally better soldiers

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than the common men of Spain; and this difference, I hope, still subsists; for as our common people, or what some gentlemen now very much affect to call them, the mob, have more liberty, they must of course have better spirits and more courage, than the common men in the country, where they are in a manner slaves; and as the common people of Spain have now neither arms, discipline, nor courage, equal with any troops we can send against them, therefore it would now be more easy to land and make inroads upon their coast, than it was in the days of queen Elizabeth; for if they had a much more numerous army than they have, every part of their coast could not be provided with a body of regular troops ready to oppose the invaders at their first landing.

With regard therefore, my lords, to troops or armies, it is evident, I think, that Spain is not now in such a good state of defence, as it was in queen Elizabeth's time; and with regard to their fortifications, if the arts of fortification have very much improved since that time, the arts of attacking or besieging have kept equal, or rather a much quicker pace; for sieges, even of the best fortified places, do not usually now last so long, as sieges then did, of places which would now be looked on, as very weakly fortified. For this reason, my lords, we are not to judge of the difficulty of attacking a place, from its being now much better fortified than it was 150 years ago; we are to judge from the methods now in use for attacking, if we know them, or from the opinions of those that do: and, I believe, most engineers will tell us, that very few, if any of the harbours of Spain, are proof against the navy of England, when it is properly commanded, properly provided, and, above all, properly instructed.

The next paradox I am to take notice of, my lords, is, that we are not now in so good a condition for acting upon the offensive against Spain, as we were in queen Elizabeth's time. This likewise is somewhat strange: the whole island of Great Britain is now united, and besides, we are now in possession of most extensive and populous settlements in America; and yet, we have it not now so much in our power to attack Spain, either in Europe or America, as in queen Elizabeth's reign, when the island was divided into two separate and distinct kingdoms, and when we had few or no settlements of our own in America. If it really be so, I am sure, it cannot proceed from the nature of things, but from the weakness of our late counsels; and this ought to be a prevailing argument with every lord that thinks so, for resolving upon an immediate enquiry into our late conduct, and consequently for agreeing to this motion.

But the great advantage enjoyed both by queen Elizabeth and Oliver Cromwell, above what we enjoy at present, consisted, it seems, in this, that neither of them were under the least apprehensions of an invasion from France, at the time they resolved on a rupture with Spain. My lords, if queen Elizabeth was under no apprehensions of an invasion from France, it was owing entirely to the wisdom and steadiness of her preceding counsels. If she had not countenanced and assisted the united provinces in throwing off the yoke of Spain: if she had not countenanced and assisted the protestants of France: if she had not most artfully managed the court of Scotland; the united provinces would have been reduced and oppressed; the duke of Guise's faction would have prevailed and been at the head of affairs in France; and the king of Scotland might perhaps have entered into the Catholic league against her. If she had, by thinking of nothing but little, temporary expedients, allowed the affairs of Europe to have been brought to this pass, she would probably have been invaded from Flanders, France, Spain and Scotland, at one and the same time; and in this case, neither her fleets nor her armies, nor even the affections of her people, which was more than all, would have been able to prevent her ruin; but she foresaw the distant danger, and by bold, as well as wise counsels, disconcerted all the schemes of her enemies, before they could bring them to perfection. Had we of late pursued such counsels, we should not now, perhaps, have seen such an union of counsels between the courts of France and Spain; or if we had, we should have had no great occasion to dread either the union of their counsels, or the union of their arms: but we have pursued quite different measures; we have long laboured, and at a great expence too, to reconcile those two courts, though it was our interest to labour incessantly at sowing discord between them; and by cultivating a friendship with France, which must always be destructive to this nation, and entertaining strange jealousies of those whose friendship it was our business to cultivate, we have overturned that system

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of politics in Europe, upon which the safety of this nation, as well as the liberties of Europe, very much depended.

Now, my lords, with regard to Oliver Cromwell; he was not, it is true, under any apprehensions of an invasion from France, when he resolved upon a rupture with Spain, because these two nations were then engaged in war; but, as Spain was then in possession of all the ports of Flanders, and even of Dunkirk itself, if Cromwell was not afraid of an invasion from Spain, it did not proceed from the numerousness of his army, or from the affections of the people, but from his own fearless spirit, which was very different from the spirit that seems of late years to have influenced all our counsels. Nor was the government of Spain, at that time, under so weak an administration, as has been represented; for they defended themselves so bravely, and were such an equal match for France, notwithstanding their being engaged at the same time in a war with Portugal, that France was glad to court the assistance of Cromwell, and to promise him Dunkirk, as soon as it should be taken from the Spaniards. Had Cromwell been at the head of such a lawful established government as the present; had he been chief minister to a king that enjoyed so much the affections of his people, as his present majesty does, he would have despised the fears of an invasion either from France or Spain; at least he would not, on that account, have delayed, for one moment, doing what he knew to be absolutely necessary for the compelling the Spaniards to do justice to his king and master.

I hope, my lords, I have now shewn, that at the beginning of this war, we had it in our power to follow the example of queen Elizabeth and Cromwell, by beginning the war with an attack upon the enemy at land; and that we might have attacked them both in Spain and America with a probable view of success, if we had not been frightened out of our senses by that phantom, called an invasion. With regard to Old Spain, I have often declared myself, and it is still my opinion, that we ought not to send out any body of land-forces for attacking the enemy in that quarter, because we cannot propose to carry on a land war there, or to keep possession of any of the places we may make ourselves masters of; all we can, or ought to think of is, to make inroads upon their open coast, and for this purpose our seamen and marines may, I think, do as well as a body of regular land-forces. If we had resolved upon this method of harrassing the enemy, in order to make their people sensible of the war, our squadron under admiral Haddock might have done them great damage, and kept them in continual alarms, by plundering many places upon the open coast, and by burning and destroying the ships in many of their harbours; for I must join with other noble lords in thinking, that it was very needless to keep that squadron constantly in its station before Cadiz, because, if we had at first sent a sufficient force to the West-Indies, we had no occasion to block up their squadron in port, and much less their flota. Their squadron would not have dared to have cruised in the open seas for intercepting any of our fleets of merchantmen, for fear of being itself intercepted by our squadron; and if we had kept a good look-out, about the Leeward and Carribee islands, we might, very probably, have intercepted the flota in its passage to America: or if we had not, we should, probably, have had a good share of the returns, by means of our privateers and cruisers, if the Spaniards had attempted to bring them to Europe in single ships.

But, my lords, some of those who have the direction of our counsels, were really, I believe, afraid, lest we should intercept the Spanish flota; and their fear proceeded from a mistake which I have heard mentioned by some of their friends in this House. They imagine, my lords, that the French, Dutch, Italians, and perhaps some of our own merchants, have a large share of property in the cargoes of the Spanish flota and galleons; and that consequently, if we should lay hold of any of them, it would involve our government in endless disputes with our neighbours. This, my lords, is a downright mistake: No foreigner can have any share either in ship or cargo. They must all be in the names of Spaniards; and therefore the whole would be lawful prize, if we should happen to take them. If foreigners had any latent claims on ship or cargo, we neither could, nor ought to admit them: In time of war no nation does so: If the ship appears to belong to an enemy, both ship and cargo become the lawful prize of the captors, except in those cases that are expressly provided for by treaty, after the first breaking out of a war; and even in these, the claim must appear by the invoices or bills of lading, and not by latent deeds, which

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might afterwards be forged on purpose to make a claim. Therefore, if we had intercepted the Spanish flota, we should not have been involved in any disputes with our friends, because none of them could have had a just pretence to dispute the property with us; and, I hope, we are not brought so low, as to be obliged to admit of pretences that are not founded in justice and the law of nations.

It is pretended, I find, my lords, by all those who have spoke against this motion, that the escape of the Spanish squadron from Cadiz and Ferrol, and the arrival of the French and Spanish squadrons in the West-Indies, so long before we sent any relief or reinforcement to admiral Vernon, were owing to mere accidents, which could not be provided against by human prudence. My lords, this is the very case in question, and the very case we are to enquire into. It is generally thought, that all accidents have been with us, instead of being against us; or that if any have been against us, they were such as might have been prevented, or provided against by a very small share of human prudence. I have reason, I think, to believe, that except Porto Bello and Chagra, we have reaped no advantage in this war but what has happened by accident. Our taking the Caracca-ships was plainly owing to accident; for it was highly improbable any Spanish ship should approach the bay of Cadiz, while our squadron lay before it. The Caracca-ships would not, if they had not by accident missed meeting with any of the advice-boats sent out by the Spaniards to give notice where our squadron was stationed; which shews, that the appointing of our squadron to lie in any certain station, was the worst method we could take, for intercepting the rich Spanish ships in their return from the West-Indies. If we had intercepted the Assogues-ships, it would have been entirely owing to accident; for, notwithstanding our talking so much of our secret intelligence, it appeared, that we knew nothing of the course they were to steer. In short, during the whole course of the war, I do not know of one capture that has been made but by accident, or by the good conduct of some of our private captains: None have been made by the good conduct of our ministers; but, I am sure, the Spaniards have made many upon us by the bad conduct of our ministers. Our merchants have suffered in a most surprizing manner: If there were no other suspicion of misconduct, this alone deserves, and ought to be enquired into by parliament; for the enemy have such a number of privateers at sea, and we hear so little of our cruisers, that if our merchant-ships which sail without, or are separated from their convoy, miss being taken, I must ascribe it to mere accident; and, as it has been already observed, I do not know, but that the safety of admiral Vernon and our sugar-islands is to be ascribed to the same cause.

Thus, my lords, from what publicly appears, all accidents seem to have been in our favour: If any have been against us, let us know them in a parliamentary way: Let us enquire into them; and then we can determine, whether they ought to be admitted as an excuse for our conduct. A motion for an enquiry, and much less a motion for enabling us to enquire, is no final judgment. If the rules laid down by the noble lord who spoke last, were to be admitted, no man could move for an enquiry into a minister's conduct, but the minister himself; for if one is not to move for an enquiry, unless he judges the minister's conduct to have been excessively bad, and if he can form no such judgment, without knowing all that the minister knows, and all that he ought to know, no such enquiry could ever be moved for but by the minister himself, the absurdity of which I need not explain. But this, my lords, is not the rule: When we are considering, whether or no we ought to enquire into a minister's conduct, we are to judge from the known circumstances and appearances of things; and if from them his conduct seems to be suspicious, we ought to resolve upon an enquiry, and to call for every thing we think necessary for that purpose. The judgment we then form is not final even as to his conduct; because, when we enter upon that enquiry, he will have an opportunity to justify his measures, by laying before the House those private informations which were his motives for pursuing or advising such measures; and from these we may find that conduct to be right, which, according to the public and known appearances of things, seemed to be excessively bad. This, my lords, is the only rule we can lay down to ourselves in all deliberations, whether or no we ought to enquire into the whole or any part of a minister's conduct. This shall always be my rule; and according to this, I think myself obliged, both in duty to my king, and in duty to my country, to concur

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with my noble friend in the motion he has made to you.

The question was then put upon the said motion, Content 41, Not Content 58. And it was resolved in the negative.*

Protest against rejecting the Motion for Rear Admiral Haddock's instructions.] The following Protest was entered:

"Dissentient'

1. "Because we conceive, that there never were instructions more necessary to be examined, than those contained in this question, in order to enable us to discharge our duty, both as counsellors to his majesty, and guardians of the nation. The known and astonishing inaction, for the space of above two years, of a great and powerful fleet, fitted out and maintained at an immense expence to the nation, fixes a heavy charge either upon the commander of that squadron, or upon those who gave him his instructions. But when we compare the experienced courage and abilities of rear admiral Haddock, upon all former occasions, with the inglorious instructions given by this administration to the several admirals employed for these last twenty years, we cannot, as at present informed, but impute this unaccountable inaction to the weakness or pusillanimitty of those, whose instructions, we are persuaded, he with concern obeyed. And we are confirmed in this opinion, by his being still continued in that command, which a disobedience to his instructions would have forfeited.

2. "Because we think it necessary, that the House should be fully informed, by what fatal mistake, negligence, or design, the Spanish squadron at Cadiz, so long blocked up in that port, while they were neither ready, nor the season of the year fit for them to go out, should have been, by the sudden withdrawing of our fleet in the Mediterranean, permitted to sail without molestation, as soon as they were fit, and the season favourable. And we cannot, as at present informed, impute that unhappy measure to sir Chaloner Ogle, since, orders of that great importance ought to be conceived in the clearest, plainest, and least ambiguous terms; which, had he mistaken, he would not have been, as he now is, entrusted with the command of so great a fleet, and with the interpretation of instructions of still greater consequence. Nor can we conceive, that the communication of orders relating only to sailing, and the change of station, can sufficiently clear up a point of that great importance.

3. "Because we think that the stale objection, that the communication of these instructions may discover to our enemies intended designs and attempts, can have no weight upon this occasion, when the reason for calling for those instructions, is, because no one attempt of any kind whatsoever has been made upon our enemies in the course of above two years; and it is not credible, that, if during that time, any one design had been intended, no one attempt should have been made in consequence of it. We therefore justly may, and only can conceive these instructions, which we were not allowed to apply for, to be of the same inactive nature of those which we have formerly seen flowing from the same languid source, to the equal dishonour of his majesty's counsels and arms.

4. "Because we conceive, that the denial of these necessary lights, puts a full stop to any further effectual enquiry into the conduct of the war; an enquiry so becoming this House, and so unanimously called for by the voice of the nation, that outward appearances have at once raised the curiosity, the astonishment, and the concern of a brave and a loyal people, willing to sacrifice their lives and fortunes for

* "This motion was better supported than any of the preceding. It appears from a dark passage in one of sir Charles Wager's letters to Vernon, that there had been something mysterious in Haddock's going to Port-Mahon at the time he did; and as his character, as an admiral, was unexceptionable, the public was strongly impressed with a notion, that he had orders for what he did from the minister. As to sir Chaloner Ogle, who was the other admiral in command there, the friends of the motion observed, that no blame could be thrown upon him, because he had since been entrusted with a higher command. Notwithstanding these considerations, the House had before been fully satisfied, that the minister was not to blame, and that if any oversight had been committed, it was owing either to misinformation or necessity, which had obliged the British fleet to go into harbour. They, besides, did not think proper to divulge the secrets of Haddock's instructions, by making them public, and therefore rejected the motion, by a majority of 58 against 41. The reader may perceive, that the House of Lords was this session the great scene of political altercation; and the above motions were founded upon facts that were to ground the chief part of the personal charge against sir Robert Walpole, which his enemies in both Houses were now meditating." Tindal.

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the honour and advantage of his majesty and this kingdom, in the prosecution of this just and necessary war: and we conceive that they ought, by the strictest enquiry, upon the fullest informations, to have been satisfied as to the past, and secured as to the future. And we think, that all minute enquiries into the little abuses of inferior officers, over whom it is the duty of the administration to watch, would be only amusing and deceiving mankind with the name of an enquiry, and descending from our dignity of counsellors of the crown, and checks of the administration, to the low rank of inquisitors into the conduct of petty and unprotected offenders. We therefore think, that we have discharged our duty to his majesty and the public, in having moved for those papers, which we considered as the foundation absolutely necessary for a proper and effectual enquiry. We here enter our dissent upon the denial of those papers; the world must then judge of the conduct of the war, upon the appearance of facts and circumstances; with this considerable additional circumstance, that lights were denied.——*(Signed.)* Litchfield, Bridgwater, Shaftsbury, Carlisle, Falmouth, Abingdon, Haversham, Talbot, Denbigh, Halifax, Bathurst, Middleton, Thanet, Suffolk, Aylesford, Oxford, Hereford, Montjoy, Greenwich, Willoughby de Brooke, Ward, Northampton, Chesterfield, Berkshire, Gower, Bristol, Westmoreland, Cobham, R. Lincoln."

*Debate in the Commons on the Corn Bill.**] November 19. Leave was given to bring in a Bill to enable his majesty to prohibit, for a time to be limited, the exportation of Corn and other provisions out of Great Britain, Ireland, and his majesty's plantations in America; and the House was ordered to be called over upon the 4th of December. In the mean time, numerous petitions were presented against the said Bill, and the House resolved, "That an humble Address be presented to his majesty, That he will be graciously pleased to order an Embargo to be forthwith laid upon all ships laden, or to be laden, with corn, grain, starch, rice, beef, pork, and other provisions of victuals to be exported to foreign parts."

November 25. The Corn Bill was read a second time, upon which occasion the following Debate ensued.

Mr. *Pulteney* rose and said:

Sir; after all the attention which has been bestowed upon the bill now before us, I cannot yet conceive it such as can benefit the nation, or such as will not produce far greater inconveniences than those which it is intended to obviate, and therefore as those inconveniences may be prevented by other means, I cannot but declare that I am far from approving it.

Our ancestors, Sir, have always thought it the great business of this House to watch against the encroachments of the prerogative, and to prevent any increase of the power of the minister, and the members have always been considered as more faithful to their trust, and more properly the representatives of the people, in proportion as they have considered this great end with more attention, and prosecuted it with more invariable resolution. If we enquire into the different degrees of reputation, which the several assemblies of members have obtained, and consider why some are remembered with reverence and gratitude, and others never mentioned but with detestation and contempt, we shall always find that their conduct, with regard to this single point, has produced their renown or their infamy. Those are always by the general suffrage of mankind applauded as the patrons of their country, who have struggled with the influence of the crown, and those condemned as traitors, who have either promoted it by unreasonable grants, or seen it increase by slow degrees without resistance.

It has not indeed, Sir, been always the practice of ministers to make open demands of larger powers, and avow, without disguise, their designs of extending their authority; such proposals would, in former times, have produced no consequences but that of awakening the vigilance of parliament, of raising suspicions against all their proceedings, and of embarrassing the crown with petitions, addresses and impeachments.

They were under a necessity in those times of promoting their schemes, those schemes which scarcely any minister has forborn to adopt, by more secret, artful, and silent methods; by methods of diverting the attention of the public to other objects, and of making invisible approaches to the point in view, while they

* From the Gentleman's Magazine. This is the first debate compiled for that publication by Dr. Johnson: see the Preface to the present Volume.

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seemed to direct all their endeavours to different purposes.

But such, Sir, have been the proofs of implicit confidence, which the administration has received from this House, that it is now common to demand unlimited powers, and to expect confidence without restriction; to require an immediate possession of our estates by a vote of credit, or the sole direction of our trade by an act for prohibiting, during their pleasure, the exportation of the produce of our lands.

Upon what instances of uncommon merit, of regard to the public prosperity, unknown in former times, or of discernment superior to that of their most celebrated predecessors, the present ministers found their new claims to submission and to trust, I am indeed at a loss to discover; for, however mankind may have determined concerning the integrity of those by whom the late memorable convention was transacted, defended, and confirmed, I know not that their wisdom has yet appeared by any incontestable or manifest evidence, which may set their abilities above question, and fix their reputation for policy out of the reach of censure and enquiries.

The only act, Sir, by which it can be discovered that they have any degree of penetration proportionable to their employments, is the embargo lately laid upon provisions in Ireland, by which our enemies have been timely hindered from furnishing themselves from our dominions with necessaries for their armies and their navies, and our fellow-subjects have been restrained from exposing themselves to the miseries of famine, by yielding to the temptation of present profit; a temptation generally so powerful as to prevail over any distant interest.

But as nothing is more contrary to my natural disposition, or more unworthy of a member of this House than flattery, I cannot affirm that I ascribe this useful expedient wholly to the sagacity or the caution of the ministry, nor can I attribute all the happy effects produced by it to their benign solicitude for the public welfare.

I am inclined to believe that this step was advised by those who were prompted to consider its importance by motives more prevalent than that of public spirit; and that the desire of profit, which has so often dictated pernicious measures, has for once produced, in return, an expedient just and beneficial; and it has for once luckily fallen out, that some of the friends of the administration have discovered that the public interest was combined with their own.

It is highly probable, Sir, that the contractors for supplying the navy with provisions, considering with that acuteness which a quick sense of loss and gain always produces, how much the price of victuals would be raised by exportation, and by consequence how much of the advantage of their contracts would be diminished, suggested to the ministry the necessity of an embargo, and laid before them those arguments which their own observation and wisdom would never have discovered.

Thus, Sir, the ministers in that instance of their conduct, on which their political reputation must be founded, can claim perhaps no higher merit, than that of attending to superior knowledge, of complying with good advice when it was offered, and of not resisting demonstration when it was laid before them.

But as I would never ascribe to one man the merit of another, I should be equally unwilling to detract from due commendations, and shall therefore freely admit, that not to reject good counsel is a degree of wisdom, at which I could not expect that they by whom the convention was concluded would ever have arrived.

But whatever proficiency they may have made in the art of government since that celebrated period, however they may have increased their maxims of domestic policy, or improved their knowledge of foreign affairs, I cannot but confess myself still inclined to some degree of suspicion, nor can prevail upon myself to shut my eyes and deliver up the public and myself implicitly to their direction.

Their sagacity, Sir, may perhaps of late have received some improvements from longer experience; and with regard to their integrity, I believe at least that it is not much diminished; and yet I cannot forbear asserting the right of judging for myself, and of determining according to the evidence that shall be brought before me.

I have hitherto entertained an opinion that for this purpose only we are deputed by our constituents, who, if they had reposed no confidence in our care and abilities, would have given up long since the vexatious right of contesting for the choice of representatives. They would have furnished the ministry with general powers to act for them, and sat at ease with no other regard to public measures than might in-

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cite them to animate with their applauses the laudable endeavours of their profound, their diligent, and their magnanimous governors.

As I do not therefore check any suspicions in my own mind, I shall not easily be restrained from uttering them, because I know not how I shall benefit my country, or assist her counsels by silent meditations. I cannot, Sir, but observe that the powers conferred by this Bill upon the administration are larger than the nation can safely repose in any body of men, and with which no man, who considers to what purposes they may be employed, will think it convenient to invest the negociators of the convention.

Nor do my objections to this act arise wholly from my apprehensions of their conduct, who are intrusted with the execution of it, but from my reflections on the nature of trade, and the conduct of those nations who are most celebrated for commercial wisdom.

It is well known, Sir, how difficult it is to turn trade back into its ancient channel, when it has by any means been diverted from it, and how often a profitable traffic has been lost for ever, by a short interruption, or temporary prohibition. The resentment of disappointed expectations inclines the buyer to seek another market, and the civility to which his new correspondents are incited by their own interest, detains him, till those by whom he was formerly supplied, having no longer any vent for their products or their wares, employ their labours on other manufactures, or cultivate their lands for other purposes.

Thus, Sir, if those nations who have hitherto been supplied with corn from Great Britain, should find a method of purchasing it from Denmark, or any other of the Northern regions, we may hereafter see our grain rotting in our storehouses, and be burthened with provisions which we can neither consume ourselves, nor sell to our neighbours.

The Dutch, whose knowledge of the importance or skill in the arts of commerce will not be questioned, are so careful to preserve the inlets of gain from obstruction, that they make no scruple of supplying their enemies with their commodities, and have been known to sell at night those bullets which were next day to be discharged against them.

Whether their example, Sir, deserves our imitation I am not able to determine, but it ought at least to be considered whether their conduct was rational or not, and whether they did not, by a present evil, ensure an advantage which overbalanced it.

There are doubtless, Sir, sometimes such exigencies as require to be complied with at the hazard of future profit, but I am not certain that the scarcity which is feared or felt at present, is to be numbered amongst them; but however formidable it may be thought, there is surely no need of a new law to provide against it: for it is one of those extraordinary incidents, on which the king has the right of exerting extraordinary powers. On occasions like this the prerogative has heretofore operated very effectually, and I know not that the law has ever restrained it.

It is therefore, Sir, in my opinion, most prudent to determine nothing in so dubious a question, and rather to act as the immediate occasion shall require, than prosecute any certain method of proceeding, or establish any precedent by an act of the parliament.

To restrain that commerce by which the necessaries of life are distributed is a very bold experiment, and such as once produced an insurrection in Turkey, that terminated in the deposition of one of their monarchs.

I therefore willingly confess, Sir, that I know not how to conclude: I am unwilling to deprive the nation of bread, or to supply our enemies with strength to be exerted against ourselves; but I am on the other hand afraid to restrain commerce, and to trust the authors of the Convention.

Mr. *Henry Pelham:*

Sir; I am always in expectation of improvement and instruction when that gentleman engages in any discussion of national questions, on which he is equally qualified to judge by his great abilities and long experience, by that popularity which enables him to sound the sentiments of men of different interests, and that intelligence which extends his views to distant parts of the world; but on this occasion I have found my expectations frustrated, for he has enquired without making any discovery, and harangued without illustrating the question before us.

He has satisfied himself, Sir, with declaring his suspicions, without condescending to tell us what designs or what dangers he apprehends. To fear without being able to shew the object of our terrors,

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is the last, the most despicable degree of cowardice; and to suspect without knowing the foundation of our own suspicions is surely a proof of a state of mind, which would not be applauded on common occasions, and such as no man but a patriot would venture to confess.

He has indeed, Sir, uttered some very ingenious conceits upon the late Convention, has alluded to it with great luxuriancy of fancy, and elegance of diction; and I must at least confess that, whatever may be its effects upon the interest of the nation, it has to him been very beneficial; as it has supplied him with a subject of raillery when other topics began to fail him, and given opportunity for the exercise of that wit which began to languish for want of employment.

What connection his wonderful sagacity has discovered between the Convention and a Corn-bill, I cannot yet fully comprehend, but have too high an opinion of his abilities to imagine that so many insinuations are wholly without any reason to support them. I doubt not therefore, Sir, but that when some fitter opportunity shall present itself he will clear their resemblance, and branch out the parallel between them into a thousand particulars.

In the mean time, Sir, it may be proper for the House to expedite the Bill, against which no argument has yet been produced, and which is of too much importance to be delayed by raillery or invectives.

Mr. *Sandys:*

Sir; the Bill before us as it is of too much importance to be negligently delayed, is likewise too dangerous to be precipitately hurried into a law.

It has been always the practice of this House to consider money-bills with particular attention, because money is power in almost the highest degree, and ought not therefore to be given but upon strong assurances, that it will be employed for the purposes for which it is demanded, and that those purposes are in themselves just.

But if we consider, Sir, the Bill now before us, it will appear yet more than a money-bill: it will be found a Bill for regulating the disposal of that, which it is the great use of money to procure, and is therefore not to be passed into a law without a close attention to every circumstance that may be combined with it, and an accurate examination of all the consequences that may be produced by it.

Some of these circumstances or consequences, it is the duty of every member to lay before the House; and I shall therefore propose, that the inducements to the discovery of any provisions illegally exported, and the manner of levying the forfeiture, may be particularly discussed; for by a defect in this part, the regulation lately established by the regency, however seasonable, produced tumults and distractions which every good government ought studiously to obviate.

By their proclamation, Sir, half the corn that should be found designed for exportation was to be given to those who should discover and seize it. The populace, alarmed at once with the danger, of a famine, and animated by a proclamation that put into their own hands the means of preventing it, and the punishment of those from whose avarice they apprehend it, rose in throngs to execute so grateful a law. Every man, Sir, whose distress had exasperated him, was incited to gratify his resentment; every man whose idleness prompted him to maintain his family by methods more easy than that of daily labour, was delighted with the prospect of growing rich on a sudden by a lucky seizure. All the seditious and the profligate combined together in the welcome employment of violence and rapine, and when they had once raised their expectations, there was no small danger, lest their impatience of disappointment should determine them to conclude, that corn, wherever found, was designed for exportation, and to seize it as a lawful prize.

Thus, Sir, by an imprudent regulation, was every man's property brought into hazard, and his person exposed to the insults of a hungry, a rapacious, and ungovernable rabble, let loose by a public proclamation, and encouraged to search houses and carriages by an imaginary law.

That we may not give occasion to violence and injustice of the same kind, let us carefully consider the measures which are proposed before we determine upon their propriety, and pass no bill on this important occasion without such deliberation as may leave us nothing to change or to repent.

Mr. *Erle:*

Sir; notwithstanding the dangers which have been represented as likely to arise from any error in the prosecution of this great affair, I cannot but declare my opinion, that no delay ought to be admitted,

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and that not even the specious pretence of more exact enquiries, and minute considerations, ought to retard our proceedings for a day.

My imagination, Sir, is perhaps not so fruitful as that of some other members of this House, and therefore they may discover many inconveniencies, which I am not able to conceive. But as every man ought to act from his own conviction, it is my duty to urge the necessity of passing this Bill till it can be proved to me, that it will produce calamities equally to be dreaded with the consequences of protracting our debates upon it, equal to the miseries of a famine, or the danger of enabling our enemies to store their magazines, to equip their fleets, and victual their garrisons.

If it could be imagined that there was in this House a subject of France or Spain, zealous for the service of his prince, and the prosperity of his country, I should expect that he would summon all his faculties to retard the progress of this Bill, that he would employ all his sophistry to shew its inconveniency and imperfections, and exhaust his invention to suggest the dangers of haste; and certainly he could do nothing that would more effectually promote the interest of his countrymen, or tend more to enfeeble and depress the power of the British nation.

If this would naturally be the conduct of an enemy, it is unnecessary to prove that we can only be safe by acting in opposition to it, and I think it superfluous to vindicate my ardour for promoting this Bill, when it is evident that its delay would be pleasing to the Spaniard.

Mr. *Burrel:*

Sir; if this law be necessary at any time, it cannot now be delayed, for a few days spent in deliberation may make it ineffectual, and that evil may be past of which we sit here contriving the prevention.

That many contracts, Sir, for the exportation of provisions are already made in all the maritime parts of the kingdom, is generally known; and it requires no great sagacity to discover that those by whom they are made, and made with a view of immense profit, are desirous that they may be executed; and that they will soon complete the execution of them, when they are alarmed with the apprehension of a Bill which in a few days may take from them the power of exporting what they have already collected, and snatch their gain from them when it is almost in their hands.

A bill for these purposes, Sir, ought to fall upon the contractors like a sudden blow, of which they have no warning or dread; against which they therefore cannot provide any security, and which they can neither elude or resist.

If we allow them a short time, our expedients will be of little benefit to the nation, which is every day impoverished by the exportation of the necessaries of life, in such quantities, that in a few weeks the law, if it be passed, may be without penalties, for there will be no possibility of disobeying it.

Sir *John Barnard:*

Sir; I cannot discover the necessity of pressing the Bill with such precipitation, as must necessarily exclude many useful considerations, and may produce errors extremely dangerous; for I am not able to conceive what inconveniencies can arise from a short delay.

The exportation of provisions from Ireland is at present stopped by the proclamation; and the beef which was designed for other nations, has been prudently bought up by the contractors, by which those murmurs have been in a great measure obviated, which naturally arise from disappointments and losses.

There is therefore, Sir, no danger of exportations from that part of our dominions, which is the chief market for provisions, and from whence our enemies have been generally supplied: in Great Britain there is less danger of any such pernicious traffic, both because the scarcity here has raised all provisions to a high price, and because merchants do not immediately come to a new market.

The Bill, at least ought not to be passed without regard to the general welfare of our fellow-subjects, nor without an attentive consideration of those petitions which have been presented to us; petitions not produced by panic apprehensions of imaginary dangers, or distant prospects of inconveniencies barely possible, but by the certain foresight of immediate calamities, the total destruction of trade, and the sudden desolation of flourishing provinces.

By prohibiting the exportation of rice, we shall, Sir, in one year, reduce the colony of South Carolina below the possibility of subsisting; the chief product of that country, the product which induced

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us originally to plant it, and with which all its trade is carried on, is rice. With rice the inhabitants of that province purchase all the other necessaries of life, and among them the manufactures of our own country. This rice is carried by our merchants to other parts of Europe, and sold again for large profit.

That this trade is very important appears from the number of ships which it employs, and which, without lading, must rot in the harbours, if rice be not excepted from the general prohibition. Without this exception, Sir, it is not easy to say what numbers, whose stations appear very different, and whose employments have no visible relation to each other, will be at once involved in calamity, reduced to sudden distress, and obliged to seek new methods of supporting their families. The sailor, the merchant, the shipwright, the manufacturer, with all the subordinations of employment that depend upon them, all that supply them with materials, or receive advantage from their labours, almost all the subjects of the British crown must suffer at least in some degree, by the ruin of Carolina.

Nor ought the danger of the sugar islands, and other provinces, less to alarm our apprehensions, excite our compassion or employ our consideration, since nothing is more evident than that, by passing this Bill without the exceptions which their petitions propose, we shall reduce one part of our colonies to the want of bread, and confine the other to live on nothing else; for they subsist by the exchange of those products to which the soil of each country is peculiarly adapted: one province affords no corn, and the other supplies its inhabitants with corn only.

The necessity of expediting this Bill, however it has been exaggerated, is not so urgent but that we may be allowed time sufficient to consider for what purpose it is to be passed, and to recollect that nothing is designed by it, but to hinder our enemies from being supplied from the British dominions with provisions, by which they might be enabled more powerfully to carry on the war against us.

To this design no objection has been made, but it is well known, that a good end may be defeated by an absurd choice of means; and I am not able to discover how we shall increase our own strength, or diminish that of our enemies, by compelling one part of our fellow-subjects to starve the other.

It is necessary, Sir, to prohibit the exportation of corn to the ports of our enemies, and of those nations by which our enemies will be supplied, but surely it is of no use to exclude any part of our own dominions from the privilege of being supplied from another. Nor can any argument be alleged in defence of such a law, that will not prove, with equal force, that corn ought to remain in the same granaries where it is now laid, that all the markets in this kingdom should be suspended, and that no man should be allowed to sell bread to another.

There is, indeed, Sir, a possibility that the liberty for which I contend may be used to wicked purposes, and that some men may be incited by poverty or avarice to carry the enemy those provisions, which they pretend to export to British provinces. But if we are to refuse every power that may be employed to bad purposes, we must lay all mankind in dungeons, and divest human nature of all its rights; for every man that has the power of action, may sometimes act ill.

It is, however, prudent to obstruct criminal attempts even when we cannot hope entirely to defeat them, and therefore I am of opinion, that no provisions ought to be exported without some method of security, by which the governors of every place may be assured that they will be conveyed to our own colonies. Such securities will easily be contrived, and may be regulated in a manner that they shall not be defeated without such hazard, as the profit that can be expected from illegal commerce, will not be able to compensate.

It is therefore, Sir, proper to delay the Bill so long at least as that we may produce by it the ends intended, and distress our enemies more than ourselves; that we may secure plenty at home, without the destruction of our distant colonies, and without obliging part of our fellow-subjects to desert to the Spaniards for want of bread.

Mr. *Bowles:*

Sir; the necessity of excepting rice from the general prohibition is not only sufficiently evinced by the agents of South Carolina, but confirmed beyond controversy or doubt by the petition of the merchants of Bristol, of which the justice and reasonableness appears at the first view to every man acquainted with the nature of commerce.

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How much the province of South Carolina will be distressed by this prohibition, how suddenly the whole trade of that country will be at a stand, and how immediately the want of many of the necessaries of life will be felt over a very considerable part of the British dominions, has already, Sir, been very pathetically represented, and very clearly explained, nor does there need any other arguments to persuade us to allow the exportation of rice.

But, from the petition of the merchants of Bristol it appears, that there are other reasons of equal force for this indulgence, and that our regard for the inhabitants of that particular province, however necessary and just, is not the only motive for complying with their request.

It is shewn, Sir, in this petition, that the prohibition of rice will very little incommode our enemies, or retard their preparations; for they are not accustomed to be supplied with it from our plantations. We ought, therefore, not to load our fellow-subjects with embarrassments and inconveniences, which will not in any degree extend to our enemies.

It appears, Sir, not only that a very important part of our commerce will be obstructed, but that it will probably be lost beyond recovery; for, as only a small quantity of the rice of Carolina is consumed at home, and the rest is carried to other countries, it is easy to conceive that those who shall be disappointed by our merchants will procure so necessary a commodity from other places, as there are many from which it may be easily purchased; and it is well known that trade, if it be once diverted, is not to be recalled, and therefore that trade which may be without difficulty transferred, ought never to be interrupted without the most urgent necessity.

To prove, Sir, that there is now no such necessity, by a long train of arguments, would be superfluous, for it has been shewn already, that our enemies will not suffer by the prohibition, and the miseries that inevitably arise from a state of war are too numerous and oppressive, to admit of any increase or aggravation upon trivial motives.

The province of Carolina, Sir, has already suffered the inconveniencies of this war beyond any other part of his majesty's dominions, as it is situated upon the borders of the Spanish dominions, and as it is weak by the paucity of the inhabitants in proportion to its extent: Let us therefore pay a particular regard to this petition, lest we aggravate the terror which the neighbourhood of a powerful enemy naturally produces, by the severe miseries of poverty and famine.

Sir *Robert Walpole*:

Sir; nothing is more absurd than for those who declare on all occasions, with great solemnity, their sincere zeal for the service of the public, to protract the debates of this House by personal invectives, and delay the prosecution of the business of the nation, by trivial objections, repeated after confutation, and perhaps after conviction of their invalidity.

I need not observe how much time would be spared, and how much the dispatch of affairs would be facilitated, by the suppression of this practice, a practice by which truth is levelled with falshood, and knowledge with ignorance; since, if scurrility and merriment are to determine us, it is not necessary either to be honest or wise to obtain the superiority in any debate; it will only be necessary to rail and to laugh, which one man may generally perform with as much success as another.

The embargo in Ireland was an expedient so necessary and timely, that the reputation of it is thought too great to be allowed to the administration, of whom it has been for many years the hard fate to hear their actions censured, only because they were not the actions of others, and to be represented as traitors to their country, for doing always what they thought best themselves, and perhaps sometimes what was in reality approved by those who opposed them.

This, Sir, they have borne without much uneasiness, and have contented themselves with the consciousness of doing right, in expectation that truth and integrity must at last prevail, and that the prudence of their conduct and success of their measures would at last evince the justice of their intentions.

They hoped, Sir, that there would be some occasions on which their enemies would not deny the expedience of their counsels, and did not expect that after having been so long accused of engrossing exorbitant power, of rejecting advice, and pursuing their own schemes with the most invincible obstinacy, they should be supposed on a sudden to have laid aside their arrogance, to have descended to adopt the opinions, and give themselves up to the

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direction of others, only because no objection could be made to this instance of their conduct.

How unhappy, Sir, must be the state of that man who is only allowed to be a free agent, when he acts wrong, and whose motions, whenever they tend to the proper point, are supposed to be regulated by another!

Whether such capricious censurers expect that any regard should be paid by the public to their invectives, I am not able to determine, but I am inclined to think so well of their understandings, as to believe that they intend only to amuse themselves, and perplex those whom they profess to oppose. In one part of their scheme I know not but they may have succeeded, but in the other it is evident how generally they have failed. It must at least, Sir, be observed of these great patrons of the people, that if they expect to gain them by artifices like this, they have no high opinion of their discernment, however they may sometimes magnify it as the last appeal, and highest tribunal.

With regard, Sir, to the manner in which the embargo was laid, and the expedients made use of to enforce the observation of it, they were not the effects of a sudden resolution, but of long and deliberate reflection, assisted by the counsels of the most experienced and judicious persons of both nations, so that if any mistake was committed, it proceeded not from arrogance or carelessness, but a compliance with reasons, that, if laid before the House, would, whether just or not, be allowed to be specious.

But, Sir, it has not appeared that any improper measures have been pursued, or that any inconveniences have arisen from them which it was possible to have avoided by a different conduct: for when any expedient fails of producing the end for which it was proposed, or gives occasion to inconveniences which were neither expected nor designed, it is not immediately to be condemned; for it might fail from such obstacles as nothing could surmount, and the inconveniences which are complained of, might be the consequences of other causes acting at the same time, or co-operating, not by the nature of things, but by the practices of those who prefer their own interest to that of their country.

But though it is, in my opinion, easy to defend the conduct of the ministry, I am far from thinking this a proper time to engage in their vindication. The important business before us must now wholly engage us, nor ought we to employ our attention upon the past but the future. Whatever has been the ignorance or knowledge, whatever the corruption or integrity of the ministry, this Bill is equally useful, equally necessary. The question is now concerning an act of the parliament, not of the ministry, and the Bill may proceed without obstructing future examinations.

If the Bill, Sir, now before us be so far approved as to be conceived of any real benefit to the nation, if it can at all contribute to the distress or disappointment of our enemies, or the prevention of those domestic disturbances which are naturally produced by scarcity and misery; there is no need of arguments to evince the necessity of dispatch in passing it. For if these effects are to be produced by preventing the exportation of provisions, and a law is necessary for that purpose, it is certain that the law must be enacted, while our provisions are yet in our hands, and before time has been given for the execution of those contracts which are already made.

That contracts, Sir, are entered into for quantities that justly claim the care of the legislative power, I have been informed by such intelligence as I cannot suspect of deceiving me. In one small town in the western part of this kingdom fifty thousand barrels of corn are sold by contract, and will be exported, if time be allowed for collecting and for shipping them.

A few contracts like this will be sufficient to store an army with bread, or to furnish garrisons against the danger of a siege; a few contracts like this will produce a considerable change in the price of provisions, and plunge innumerable families into distress, who might struggle through the present difficulties, which unsuccessful harvests have brought upon the nation, had we not sold the gifts of Providence for petty gain, and supported our enemies with those provisions which were barely sufficient for our own consumption.

I have not heard many objections made against the intention of the Bill, and those which were offered, were mentioned with such diffidence and uncertainty as plainly shewed, that, even in the opinion of him that proposed them, they were of little weight; and I believe they had no greater effect upon those that heard them. It may therefore be reasonably supposed, that the propriety of a law to prevent the exportation of victuals is admitted, and surely it

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can be no question, whether it ought to be pressed forward, or to be delayed till it will be of no effect.

Mr. *Fazakerley:*

Sir; as the Bill now under our consideration is entangled with a multitude of circumstances too important to be passed by without consideration, and too numerous to be speedily examined; as its effects, whether salutary or pernicious, must extend to many nations, and be felt in a few weeks to the remotest parts of the dominions of Great Britain, I cannot but think that they, who so much press for expedition on this occasion, consult rather their passions than their reason, that they discover rather enthusiasm than zeal, and that by imagining that they have already traced the effects of a law like this to their utmost extent, they discover rather an immoderate confidence in their own capacity, than give any proofs of that anxious caution, and deliberate prudence, which true patriotism generally produces.

There is another method, Sir, of proceeding more proper on this occasion, which has been already pointed out in this debate, a method of exerting the prerogative in a manner allowed by law, and established by immemorial precedents, and which may therefore be revived without affording any room for jealousy or complaints.

An embargo imposed only by the prerogative may be relaxed or enforced as occasion may require, or regulated according to the necessity arising from particular circumstances; circumstances in themselves variable, and subject to the influence of a thousand accidents, and which therefore cannot be always foreseen, or provided against by a law positive and fixed.

Let us not subject the common-wealth to a hazardous and uncertain security, while we have in our hands the means of producing the same end, with less danger and inconveniency; and, since we may obviate the exportation of our corn by methods more speedily efficacious than the forms of making laws can allow, let us not oppress our fellow subjects by hasty or imprudent measures, but make use of temporary expedients, while we deliberate upon the establishments of a more lasting regulation.

Mr. *Campbell:*

Sir; that an embargo on merchandize or provisions, may upon sudden emergencies, or important occasions, be imposed by the prerogative, cannot be doubted by any man whose studies have made him acquainted with the extent of the regal power, and the manner in which it has been exerted in all ages. The chief use of the prerogative is to supply the defects of the laws, in cases which do not admit of long consultation, which do not allow time to convoke parliaments, or enquire into the sentiments of the people.

For this reason, in times of war, the royal power is much enlarged, and has still a greater extent as exigencies are more pressing. If the nation is invaded by a foreign force, the authority of the crown is almost without limits; the whole nation is considered as an army, of which the king is general, and which he then governs by martial laws, by occasional judicature, and extemporary decrees.

Such, Sir, is the power of the king on particular emergencies, and such power the nature of human affairs must sometimes require; for all forms of government are intended for common good, and calculated for the established condition of mankind, but must be suspended when they can only obstruct the purposes for which they were contrived, and must vary with the circumstances to which they were adapted. To expect that the people shall be consulted in questions on which their happiness depends, supposes there is an opportunity of consulting them without hazarding their lives, their freedom, or their possessions, by the forms of deliberation.

The necessity of extending the prerogative to the extremities of power, is, I hope, at a very great distance from us: but, if the danger of the exportation of victuals be so urgent as some gentlemen have represented it, and so formidable as it appears to the whole nation, it is surely requisite that the latent powers of the crown should be called forth for our protection, that plenty be secured within the nation by barring up our ports, and the people hindered from betraying themselves to their enemies, and squandering those blessings which the fertility of our soil has bestowed upon them.

Sir *Robert Walpole:*

Sir; it is so unusual among the gentlemen who have opposed my opinion, to recommend an exertion of the regal authority, or willingly to entrust any power to the administration, that, though they have

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on this occasion expressed their sentiments without any ambiguity of language, or perplexity of ideas, I am in doubt whether I do not mistake their meaning, and cannot, without hesitation and uncertainty, propose the motion to which all their arguments seem necessarily to conduct me; arguments of which I do not deny the force, and which I shall not attempt to invalidate by slight objections, when I am convinced in general of their reasonableness and truth.

The necessity of that dispatch which I have endeavoured to recommend, is not only universally admitted, but affirmed to be so pressing, that it cannot wait for the solemnity of debates, or the common forms of passing laws. The danger, which is every moment increasing, requires, in the opinion of these gentlemen, to be obviated by extraordinary measures; and that pernicious commerce, which threatens the distress of the community, is to be restrained by an immediate act of the prerogative.

If this be the opinion of the House, it will be necessary to lay it before his majesty by a regular Address, that the nation may be convinced of the necessity of such extraordinary precaution, that the embargo may be imposed, at once, with the expedition peculiar to despotic power, and the authority which can be conferred only by parliamentary sanctions.

Whether this is the intention of the members, from whose declarations I have deduced it, can only be discovered by themselves, who, if they have any other scheme in view, must explain it in clearer terms, that the House may deliberate upon it, according to its conformity to the laws of our country, and to the present state of our affairs.

Mr. *Pulteney:*

Sir; whatever may be the meaning of other gentlemen, who must undoubtedly be left at full liberty to explain their own expressions, I will freely declare, that I am sufficiently understood by the right honourable gentleman, and that, in my opinion, no remedy can be applied to the present distemper of the nation, a distemper by which it is hourly pining away, by which its vitals are impaired, and the necessary nourishment withdrawn from it, that will operate with sufficient efficacy and speed, except an embargo be imposed by the prerogative.

That this opinion, if received by the House, must be the subject of an Address, is in itself manifest; and the reason for which an embargo is required, proves that an Address ought not to be delayed.

I cannot omit this opportunity of remarking, how plainly it must now appear that many of us have been unjustly charged with obstructing the progress of the Bill for pernicious purposes, with views of raising discontents in the nation, of exposing the administration to public hatred, of obstructing the measures of the government, or hindering the success of the war, when we have receded from our general principles, and suspended the influence of our established maxims for the sake of facilitating an expedient which may promote the general advantage, by recommending his majesty to the affections of his people.

Mr. *Henry Pelham:*

Sir; I am far from blaming any gentleman for asserting, on all occasions, the integrity of his designs, or displaying the reasonableness of his conduct; and of what I do not disapprove, I shall not decline the imitation.

It is not uncommon, in the heat of opposition, while each man is convinced of his own honesty, and strongly persuaded of the truth of his own positions, to hear each party accused by the other of designs detrimental to the public interest, of protracting debates by artful delays, of struggling against their own conviction, and of obscuring known truth by objections which discover themselves to be without force.

These accusations, which are on both sides frequent, are, I hope, on both sides generally false; at least it must appear on this occasion, that those who press the Bill had no views of strengthening their party by a victory, of wearying their opponents by obstinacy, or of promoting any private purposes by a new law; since an expedient, by which time may be gained, and the avowed end of hastening this necessary bill secured, is no sooner proposed on one part, than received on the other.

The following short debate occurred on the question when the Bill should commence.

Mr. *Campbell:*

Sir; that the laws may be observed by the nation without daily violence and perpetual compulsion, that our determina-

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tions may be received with reverence, and the regulations which we establish confirmed by the concurrence of our constituents, it is necessary that we endeavour to preserve their esteem, and convince them that the public prosperity may be safely trusted in our hands.

This confidence is to be gained as well in high stations, as in lower conditions, by large assemblies as by individuals, only by a constant practice of justice and frequent exertion of superior wisdom. When any man finds his friend oppressive and malicious, he naturally withdraws his affections from him; when he observes him advancing absurd opinions, and adhering to them with obstinacy incapable of conviction, he falls unavoidably into a distrust of his understanding, and no longer pays any deference to his advice, or considers his conduct as worthy of imitation.

In the same manner, Sir, if the legislative powers shall, in making laws, discover that they regard any motives, before the advantage of their country, or that they pursue the public good by measures inadequate and ill concerted, what can be expected from the people, but that they should set up their own judgment in opposition to that of their governors, make themselves the arbiters in all doubtful questions, and obey or disregard the laws at discretion.

If this danger may arise from laws injudiciously drawn up, it may surely be apprehended from a compliance with this proposal; a proposal that the operation of the law should commence eleven days before the law itself is in being.

I have hitherto, Sir, regarded it as a principle, equally true in politics as in philosophy, that nothing can act when it does not exist; and I did not suspect that a position so evident would ever stand in need of a proof or illustration.

We live indeed in an age of paradoxes, and have heard several notions seriously defended, of which some would, not many years ago, have condemned their abettor to a prison or a madhouse, and would have been heard by the wisest of our ancestors with laughter or detestation; but I did not expect that the most hardy innovator would have shocked my understanding with a position like this, or have asserted that a law may operate before it is made, or before it is projected.

That where there is no law there is no transgression, is a maxim not only established by universal consent, but in itself evident and undeniable; and it is, Sir, surely no less certain, that where there is no transgression there can be no punishment.

If a man may be punished, Sir, by a law made after the fact, how can any man conclude himself secure from the gaol or the gibbet? A man may easily find means of being certain that he has offended no law in being, but that will afford no great satisfaction to a mind naturally timorous; since a law hereafter to be made, may, if this motion be supposed reasonable, take cognizance of his actions; and how he can know whether he has been equally scrupulous to observe the future statutes or future parliaments, he will find it very difficult to determine.

Mr. *Henry Pelham*:

Sir; notwithstanding the absurdity which the hon. gentleman imagines himself to have discovered in this proposal, and which he must be confessed to have placed in a very strong light, I am of opinion, that it may, with very little consideration, be reconciled to reason and to justice, and that the wit and satire that have been so liberally employed, will appear to have been lost in the air, without use and without injury.

The operation of the law may very properly commence from the day on which the embargo was laid by his majesty's proclamation, which surely was not issued to no purpose, and which ought not to be disobeyed without punishment.

Sir *John Barnard*:

Sir; I cannot but be somewhat surprised, that a gentleman so long conversant in national affairs, should not yet have heard or known the difference between a proclamation and a penal law.

By a proclamation his majesty may prevent in some cases what he cannot punish, he may hinder the exportation of our corn by ordering ships to be stationed at the entrance of our harbours; but if any should escape with prohibited cargoes, he can inflict no penalties upon them at their return.

To enforce this prohibition by the sanction of punishments is the intention of the present bill, but a proclamation can make nothing criminal, and it is unjust and absurd to punish an action which was legal when it was done.

The law ought, Sir, in my opinion, not to commence till time is allowed for dispersing it to the utmost limits of this island;

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for as it is unreasonable to punish without law, it is not more equitable to punish by a law, of which, they who have unhappily broken it could have no intelligence.

A longer day was agreed to.

*Debate in the Commons on a Complaint against a printed Paper entitled "Considerations upon the Embargo."**]

Dec. 2. Mr. Thompson made a Complaint to the House, That a printed paper entitled, "Considerations upon the Embargo on Provision of Victual," was yesterday delivered to the members of this House, at the door thereof; and that part of the matter contained in the said printed paper was also yesterday published in a daily paper, printed by J. Meres in the Old Bailey, near Ludgate, entituled, "The Daily Post:" the said printed papers were brought up to the table. And the said printed paper, entituled, "Considerations upon the Embargo on Provision of Victual," was read, as follows:

CONSIDERATIONS UPON THE EMBARGO ON PROVISION OF VICTUAL.

"It is to be considered, whether the interest of contractors for provisions for the public, was not the motive which first started the notion of an Embargo upon Victual, and whether the same interest be not now a grand, though secret motive of its continuance. These contractors, being very sensible, that the demand abroad for Irish and English beef, must greatly enhance the price, and that there was no way for them to keep it down, but by endeavouring to confine these commodities to their own market, had addressed to effect their end in part, by obtaining the Embargo in Ireland, which they have good reason to labour to have continued there, and farther extended: for thus they will become absolute masters over a great part of the landholders in England, as they have been for some time over above half the landholders of Ireland, who are obliged to sell at the price they please to give; the exported produce of that country, in the cattle trade, being near 600,000*l.* per annum, exclusive of any commodity derived from sheep, and the whole value of the export of that kingdom, not exceeding 1,000,000*l.* which are facts extremely certain, and taken from the books of the customs there upon a parliamentary inspection.

"It is to be considered, whether any great men were induced to favour this scheme from any private advantages which they were to receive from the contractors, in consideration of it; and it ought to be understood, that this is the fairest opportunity for the greatest money-job, that may ever offer again to any man in power.

"It ought to be farther considered, when the Bill offered to parliament for regulating this affair shall be examined, whether the hopes of extraordinary and partial powers to be granted to the crown by it, might not be a principal reason for insinuating the necessity of this measure, especially at this conjuncture, when a new parliament is to be shortly called.

"It should be observed, what industry was used in the public papers, to prepare and prejudice the minds of the people in favour of an Embargo, particularly with respect to the Irish beef: and whether this does not seem to have proceeded rather from the spirit of private interest, than a zeal for the public good, especially as the latter end was ill answered, by alarming our enemies with the apprehension of an approaching prohibition, and could tend only to hasten them in making their provision before they were prevented.

"It is to be considered, what can be the reasons or views of a certain gentleman in pressing to do that by act of parliament, which by the known constitution of the kingdom may be done, and has been done by an allowed prerogative.

"It is to be considered, why Ireland is to be mentioned by the Bill, since the prerogative has already had in that country a full effect without a bill; and whether the doing this by an English law, being unnecessary, will not create discontents there, which had better be avoided, especially at this conjuncture.

"It is to be considered, why Ireland, which has the same Magna Charta and common law with England, should be subjected to an Embargo by prerogative, if that Embargo was illegal; and if it was not illegal, why England was not subjected to it at the same time.

"It is to be considered, why that embargo upon Ireland was laid upon the whole trade, to the immense damage of that country, notwithstanding the relaxation of it in some instances: and whether the doing it in that way, did not evidently tend to

* From the Gentleman's Magazine: compiled by Dr. Johnson.

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create servile applications, great loss of time and opportunities, great dependence upon men in power, and possibly great corruption. And whether it is not an absurdity to suppose the prerogative sufficient to exercise a general embargo upon the whole trade, and insufficient to do it upon a few branches only.

"It is to be considered, that the embargo in Ireland was laid at a conjuncture above all others fatal; the rents of that country being chiefly made during the slaughter-season, which is in the months of October, November, and December.

"It is to be considered, why the embargo was laid after the French and Spanish fleets were sailed; and if necessary at all, why not before?

"It is to be considered, whether it can be supposed that the provident administration of France and Spain would have hazarded the success of so great a design, and the loss of so great an armament, to an event which they knew to be so much in our power, as the embargo on Irish beef. Whether therefore it could be reasonably supposed, that this measure, which has been talked up as so important, could have taken any strong effect.

"It is to be considered, whether any man can with any appearance of reason suggest, that this embargo could have had any better effect, than to occasion some distress among the French and Spanish forces, to oblige them to be contented with a more spare and less agreeable diet, or to be at some greater expence to procure provision; and whether any man can be so sanguine to believe, that we shall render them unfit for action and service by this means.

"It is to be considered, whether if they are still fit for action and service, the degree of distress we shall create to them will be of any advantage to justify so extraordinary a measure; and whether, when it is rightly understood by the public, they can think it sufficient to balance the extravagant loss it will occasion to Ireland and to our own colonies.

"It is to be considered what this loss will be, whether it will not occasion a total stagnation of trade in some of our colonies: whether provisions exported from Ireland are not annually worth 600,000*l.* and whether it be possible that any remedy can be applied to the distress of that nation, occasioned by this embargo, when half the beef they export is of so bad a kind, that no people can consume it but the French; and consequently that if England were ever so willing to relieve Ireland, she cannot buy that product.

"It is to be considered, how unequally this blow must fall, and that this loss will lie in a manner wholly upon one-fourth part of Ireland, above three-fourths of the exported beef, &c. arising from the province of Munster only.

"It is to be considered, what a deplorable ruin must attend the fourth part of any country, by a certain annual loss of at least 300,000*l.* when the rents of that whole country amount to but 1,700,000*l.*

"It is to be considered, whose loss this in the end will be; and whether it will not be the loss of England: since it is demonstrable that England gets all the balance of the trade of Ireland, as appears from hence, that the current species of Ireland is certainly not augmented for twenty years past, though the balance of trade is known to be more than 400,000*l.* per annum in her favour.

"It is to be considered, whether the growth of wool, and the woollen manufactures of Ireland, if they are so prejudicial to the woollen-trade of England, as some would popularly suggest, will not be enlarged to the prejudice of England, by driving the Irish out of a trade, which now employs so great a portion of their land.

"It is to be considered, what was the practice of this nation in all our former wars, and upon what motives it was, that in the reign of king Charles 2, in 1667, when England was at war with Holland, France and Denmark, at a period when the prejudices against Ireland first had rise, and were most violent; it was resolved by the council of England, that the Irish should export their beef and provisions to the enemy, in pursuance of which resolution a proclamation from the lord lieutenant of that kingdom was then issued to that purpose.

"It is to be considered likewise, upon what motives, in the wars of king William and queen Anne with France, the same indulgence was shewn to Ireland, and their exportation privately encouraged by the government of England, notwithstanding any general embargoes laid by act of parliament.

"It is to be considered, whether the Dutch, the wisest nation in the world with respect to commerce, ever thought it advisable to refuse to supply their enemies with any commodity whatever.

"It is to be considered, now the scar-

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city of grass and hay is so excessive, what can be done with our cattle if they are not exported; and whether it be better that they should perish at home, than be sold to our enemies.

"It is to be considered, whether money be not the sinew of war; and whether to deny ourselves the profit of a very advantageous trade be a natural way to prove successful against our enemies.

"It is to be considered, whether one of the calamities of war is not the interruption of our commerce.

"Whether to render this greater than it must necessarily be, can deserve the encomiums which a certain person and his adherents bestow upon this measure.

"Whether one of the most valuable circumstances of admiral Vernon's glorious demolition of Porto Bello had not been thought, by all knowing men, to be the opening of that coast to our merchants, and the means thereby given to supply the Spanish-America with commodities of this country.

"Whether there is any maxim so solid, and so incapable of being controverted with respect to trade, as that it ought never to be restrained.

"Whether the eternal consequence of restriction in commerce has not been the diversion of it into a new channel.

"Whether the restraint upon the exportation of iron, laid by Sweden some years ago, has been ever recovered by Sweden, and whether Spain was not an immense gainer by it.

"Whether the restraint upon the Irish trade in cattle, imposed by England, did not throw the beef trade into Ireland, and give it to that very country, which was imprudently designed to be excluded from it.

"Whether the prohibition of the Irish to carry on the woollen manufacture, did not throw the woollen trade as well out of their hands as ours, and establish the same in all parts of Europe.

"Whether any folly be more exploded, if fatal and general experience can explode a folly, than the supposition, that any nation can exclude the rest of the world from any branch of commerce.

"Whether it can be supposed that Providence has been so severe upon any country, as to put it in the power of another to starve her inhabitants.

"It is to be considered, whether it is possible to conceive, that any nation abounding in wealth can fail to be supplied with necessaries for money.

"It is to be considered, whether Denmark, Jutland, Holstein, and other places in the Baltic, which now export great quantities of live cattle, may not salt their beef, and supply France and Spain with it; and whether they will not keep that trade when they have once experienced the advantage of it.

"It is to be considered, whether Hungary, Flanders, and France itself, may not upon encouragement supply a part.

"It is to be considered, whether the forests of France and Germany may not supply great quantities of pork; and whether that provision will not answer the end of beef.

"It is to be considered, whether Holland may not supply vast quantities, particularly of pork, from Germany, by means of the navigable rivers which flow from thence through that country.

"It is to be considered, what effect the lucre of this branch of trade may have upon the councils of those nations which may gain it from us: and whether France may not acquire a dangerous influence over some of our best allies by that event.

"It is to be considered, nay, it is to be known, that there is a method of salting and curing cattle in the very hottest latitudes, and under the line itself, though the secret is as yet in few hands; and whether necessity and money will not open that secret to France and Spain.

"It is to be considered, whether in all such cases, many places for supply and means of it may not be found, which no present foresight can suggest.

"Whether a very hard season, and a dearth of grain abroad, is not by all thinking men apprehended as a fatal incident to England, though she is not herself a present sufferer by it, and may be an immediate gainer by the exportation of greater quantities of corn; since the alarm it gives to foreign nations, tends to put them upon measures for enlarging their tillage, and finding means to supply themselves at home with grain, which France has lately done, by founding a company, and giving great advantages and premiums for raising rice in that country.

"Whether therefore it may be thought advisable to urge this distress in any kind; and whether it is not adding an incentive to their endeavours in this way.

"Whether from this just consideration, all embargoes, or other difficulties upon exportation, are not in the nature of the thing injurious and absurd.

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"Whether it is beneath a man of sense, upon better consideration, to reject opinions, however warmly he may have espoused them, before the state of the question had been thoroughly canvassed.

"Whether, therefore, there may not be great hope, that the act relating to the embargo will never pass.

"And if it should pass, 1. That it may relate to corn only; a restraint upon which seems to be justified for the present, by no other reason but the great want of it at home, which our late ill seasons threaten.

2. "That it should not extend either to Ireland, or the plantations, who will be infallibly distressed beyond example, and almost to utter ruin by it.

3. "That if it must pass, it should be general as to every distinct species, to avoid partiality, and increase of ministerial power.

4. "That it should be in the power of the crown to relieve it in any one branch of exportation, provided the relief or the restraint be general as to the particular branch; because it may be necessary to prevent the exportation of corn, and at the same time fatal to hinder that of other provisions.

5. "That care be taken to allow the export of corn to Ireland, either from the plantations or England; without which Ireland, which does not grow corn enough for her home consumption, and is now in great distress from the loss of potatoes by the frost, may greatly suffer by famine; especially if this winter should be attended with more severe weather.

"Upon the whole, it is to be hoped that men in power, if they should be convinced, by these considerations, that they have not deserved the applause which has been rashly given to this measure, and that it is really destructive and dangerous, will be generous enough to resign their pretensions to this glory, rather than sacrifice the trade and interest of these dominions, by maintaining their first opinion.

P. S. "It is actually now known, that the French have contracted already for an annual supply of 6,000 tons, or 60,000 barrels of beef from Jutland, at the rate of 200 weight per barrel, which is within 20,000 barrels of the greatest quantity ever taken by them from Ireland in times of peace. So that in all probability an irrecoverable blow is already given to that branch of trade; and they have actually contracted with Holland for a farther quantity.

"Certain advices are received, that the French fleets are actually arrived in America; which may serve sufficiently to evince, that some persons have boasted too much of their sagacity in imposing the embargo: the great, and indeed only plausible pretence for it, being to prevent their navigation thither at this critical conjuncture, which it was confidently affirmed it would effect.

"This was foretold at a time when the prejudices, in favour of an embargo, were too strong to admit credit to that suggestion. It is to be wished, that the farther propheey contained in this paper may not likewise be most fatally accomplished."

Mr. *Thompson* rose and said:

Sir; the crime of exasperating the people against their governors, of raising discontent, and exciting murmurs in a time of general danger, and of attempting to represent wise and salutary measures, which have received the approbation of the whole legislature, as mean artifices, contrived only to raise the fortunes of some favourites of the minister, and aggrandize the officers of state by the miseries of the people, is a crime too enormous to enquire or admit any aggravation from rhetoric, and too dangerous to hope for any excuse from candour and lenity.

To read or hear this Paper is sufficient for a full conviction of its pernicious tendency, and of the malice of its author; a charge not fixed upon particular expressions capable of a doubtful meaning, and which heat and inadvertency might casually have produced, but supported by the general design of the whole paper, and the continued tenor of the argument, which is evidently intended to shew that an act of government, which cannot but appear necessary and seasonable in the present state of our affairs, an act ratified by the concurrence of all the powers of the legislature, is nothing but a scheme of avarice to grow rich by oppression.

Nor is this scandalous libel written with more confidence and insolence than it is dispersed. Not content, Sir, with vilifying the proceedings of the state, the author has industriously published his calumny at our door; the time has been when defamation skulked in secret, and calumnies against the government were dispersed by whispers or private commu-

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nication; but this writer adds insults to his injuries, and at once reproaches and defies us.

I beg leave to move therefore, that the House do censure this Paper as "a malicious and scandalous libel, highly and most injuriously reflecting upon a just and wise act of his majesty's government, and also upon the proceedings of both Houses of Parliament; and tending to create jealousies and discontents in the minds of his majesty's subjects." I also move, "That the author may be ordered to attend, to be examined at our bar."

This was unanimously agreed to by the House. The door-keeper was called in, and being shewn the paper, was asked from whom he received it? Who answered, that he believed the person, who delivered it to him, was then detained in one of the Committee Rooms; upon which he was ordered to look for, and fetch him to the bar. Mr. Sandys taking notice, that the person was already in custody, said, that he should be glad to know by what authority. It was not reasonable to punish first, and judge afterwards. Upon which sir William Yonge replied, "That he had caused him to be detained, in order to know the pleasure of the House; and that he thought it his duty to secure so enormous an offender from escaping."

Soon after the door-keeper brought the man in, when he declared, upon examination, that his name was William Cooley, his profession that of a Scrivener, and owned, with great openness, that he was the Author of the Paper. He was then asked, who was the printer, and answered, that he printed it himself. Which he explained afterwards, by saying, that as he had carried it to the printer's, he might be said, in the general acception of the term, as applied to an author, to be the printer; he then discovered the printer to be Hughes in Holborn, and was asked, where was the original manuscript, which he said he had destroyed, as he did any other useless paper.

It having been observed by some of the members, that it was printed in one of the Daily Papers, he was asked, who carried it thither? And answered, that he carried it himself. It was then demanded, what he gave for having it inserted, and he answered, that he gave nothing.

After many questions, Mr. H. Archer desired that he might be asked, Whether on the Friday before he was not in the Gallery? At which some of the members expressed their disapprobation, and the man being ordered to withdraw, the following debate ensued upon the propriety of the question.

Mr. *Sandys:*

Sir; Those who are entrusted by their country with the authority of making laws, ought undoubtedly to observe them with the utmost circumspection, lest they should defeat their own endeavours, and invalidate by their example their own decrees.

There is no part, Sir, of our civil constitution more sacred, none that has been more revered by those that have trampled upon other forms of justice, and wantoned in oppression without restraint, than that privilege by which every Briton is exempted from the necessity of accusing himself, and by which he is entitled to refuse an answer to any question which may be asked, with a view to draw from him a confession of an offence, which cannot be proved.

Whether this great privilege, Sir, is not violated; whether the unalienable right of a free subject is not infringed, by the question put to the person at our bar, the House must decide. The punishment to which intruders are subject by the orders of this House, proves that his presence in the House is considered as a crime, of which, as we have no proof of it, a confession ought not to be extorted by an artful and insidious question, of which he may not discover the intention, or the consequence. Such treatment, Sir, is rather to be expected by slaves in the inquisition of Spain, than a Briton at the bar of this House; a House instituted to preserve liberty, and to restrain injustice and oppression.

Mr. *Campbell:*

Sir; I cannot but concur with the opinion of the honourable gentleman, that in requiring an answer to this question we shall expose a man to a punishment against whom we have no evidence but what is extorted from himself; and consequently no knowledge of his crime upon which we can proceed to inflict censures or penalties, without the manifest infraction of our constitution.

It cannot be imagined, Sir, that he intends to confess himself guilty of a crime of which no proof has been brought, or that he will voluntarily subject himself to punishments. It must therefore follow, that he is intrapped in his examination by

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an artifice, which, I hope, will never find any countenance in this House.

Mr. *Winnington:*

Sir; It is not impossible that the hon. gentlemen having not lately looked into the orders of the House, may mistake the tendency of the question, I therefore move, that the order may be read. [The Order being read by the clerk, he proceeded.]

It is evident, Sir, that by the order now read, the Serjeant at Arms, attending on this House, may take into custody all strangers that shall be found in the House or gallery while we are assembled: and that this order is not always put in practice, must be attributed to the lenity of the House. But that this order extends to past offences, and subjects any man to imprisonment for having been present in some former day, cannot be conceived. For how far may such a retrospect be extended: Or at what time, after having intruded into the House, can any man presume to consider himself as exempt from the danger of imprisonment?

Our order, Sir, only decrees present punishment for present offences, and therefore, the question asked by the hon. gentleman may be insisted on without scruple, and answered without hazard. Let then the hon. gentlemen reserve their laudable zeal for our constitution till it shall be invaded by more important occasions.

Mr. *Sandys:*

Sir; what victory the hon. gentleman imagines himself to have gained, or whence proceeds all his wantonness of exultation, I am not able to discover. The question only relates to the interpretation of one of our own orders, and is therefore not of the highest importance; nor can his success in so trivial a debate entitle him to great applause from others, or produce in a person of his abilities, any uncommon satisfaction to himself.

But whatever may be the pleasure of the victory, it must at least be gained before it can be celebrated; and it is by no means evident that he has yet any reason to assure himself of conquest.

His interpretation, Sir, of the order, which he has so confidently laid before the House, seems to me to have no foundation in reason or justice; for if it be an offence against the House to be present at our consultations, and that offence be justly punishable, why should any man be exempt from a just censure by an accidental escape? Or what makes the difference between this crime and any other, that this alone must be immediately punished, or immediately obliterated; and that a lucky flight is equivalent to innocence?

It is surely, Sir, more rational to believe, that the House may punish any breach of its orders at a distant time; that if our censure is once eluded, it may be afterwards enforced; and, therefore, that the question put to the person at the bar ought not to be asked, because it cannot safely be answered.

Mr. *Pulteney:*

Sir; I cannot but conceive that our order may extend its influence beyond the present moment, and that intrusions may be punished by the House on another day than that on which they were committed.

I am so far, Sir, from being of opinion, that to make the execution of this order valid, the House must sit without interruption from the time of the offence to that of the punishment, that if the gentlemen in the gallery were to be taken into custody, I should advise the serjeant to wait till the House should break up, and seize them as they should come out.

Sir *William Yonge:*

Sir; if any such punishment were now intended, I should advise the gentlemen in the gallery to retire, indeed, but not to hide themselves like felons, or men proscribed by proclamation; for as the power of seizing any man in the House is sufficient to secure us from intrusion, there is no reason to extend it farther; and penalties are not without reason to be inflicted, neither has the House ever coveted the power of oppressing; and what else is unnecessary punishment?

If, therefore, an intruder is not seized in the act of intrusion, he cannot legally be imprisoned for it. And any of the strangers who now hear this debate, may retire to a very small distance from the House, and set the serjeant of arms at defiance.

Sir *Robert Walpole:*

Sir; whether the question be proper or not, it seems very unnecessary to debate; because, however it be answered, it cannot be of great importance; the man has already confessed himself the author of the libel, and may, therefore, be punished without farther examination.

That he is the real author, Sir, I am not

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indeed convinced by his assertion, with whatever confidence it was made; for so far as his appearance enables me to judge of his education and sphere of life, it is not probable that he should be much versed in political enquiries, or that he should engage in the discussion of questions like this.

There appears, Sir, in the paper before us, a more extensive knowledge of facts, a more accurate attention to commerce, more artful reasoning, and a more elevated stile, than it is reasonable to expect from this man, whom, without pretending to circumscribe the limits of his capacity, or the compass of his knowledge, I am, for my part, inclined to look upon as an agent to some other person of higher station, and greater accomplishments.

It is not uncommon, Sir, for gentlemen to exercise their abilities and employ their pens upon political questions, and when they have produced any thing, which their complaisance for themselves equally hinders them from owning and suppressing, they are known to procure some person of inferior rank to take upon him in public the character of the author, and to stand the danger of the prosecution, contenting themselves with the applause and admiration of their chosen friends, whom they trust with the important secret, and with whom they sit and laugh at the conjectures of the public and the ignorance of the ministry.

This, Sir, is a frequent practice, not only with those who have no other employment, but as I have sufficient reasons to believe, among some gentlemen, who have seats in this House, gentlemen whose abilities and knowledge qualify them to serve the public in characters much superior to that of lampooners of the government.

Mr. *Pulteney:*

Sir; whether the man who confessed himself the author of the paper has accused himself of what he did not commit, or has ingenuously and openly discovered the truth, it is beyond my penetration absolutely to decide; the frankness and unconcern with which he made the declaration, give it at least the appearance of truth, nor do I discover any reason for doubting his sincerity. Is there any improbability in the nature of the fact that should incline us to suspect his veracity? Is there any apparent advantage to be gained by assuming a false character? Neither of those circumstances can be produced against him; and an assertion is to be admitted for its own sake, when there is nothing to invalidate it.

But the hon. gentleman, Sir, appears to have a very particular reason for his doubts; a reason which will, I hope, have no weight with any but himself. By denying the paper to this man, he gives room for conjecture and suspicion to range far and wide, and wanton with whatever characters he shall think proper subjects for his amusement. An author is now to be sought, and many diverting arguments may be brought by the dullest enquirer for fixing it upon one man, or denying it to another.

The hon. gentleman, Sir, has given us a bold specimen of this kind of wit, by insinuating that it is the production of some one of the members of this House; a conjecture of which I am not able to find the foundation, and therefore imagine, that raillery rather than argument was intended. But let the honourable gentleman recollect, that the chief excellence of raillery is politeness, to which he has surely paid little regard, in supposing that what has been unanimously condemned as a libel, has one of those who censured it for its author.

If I am particularly hinted at in this sagacious conjecture, I take this opportunity of declaring that I am equally ignorant of the whole affair with any other gentleman in this House; that I never saw the paper, till it was delivered to me at the door, nor the author till he appeared at the bar. Having thus cleared myself from this aspersion, I declare it as my opinion, that every gentleman in the House can safely purge himself in the same manner; for I cannot conceive, that any of them can have written a libel like this. There are, indeed, some passages which would not disgrace the greatest abilities, and some maxims true in themselves, though perhaps fallaciously applied, and at least such an appearance of reasoning and knowledge, as sets the writer far above the level of the contemptible scribblers of ministerial vindications: a herd of wretches, whom neither information can enlighten, nor affluence elevate; low drudges of scurrility, whose scandal is harmless for want of wit, and whose opposition is only troublesome from the pertinaciousness of stupidity.

Why such immense sums are distributed amongst these reptiles, it is scarce pe-

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sible not to enquire; for it cannot be imagined that those who pay them expect any support from their abilities. If their patrons would read their writings, their salaries would quickly be withdrawn; for a few pages would convince them, that they can neither attack nor defend, neither raise any man's reputation by their panegyric, nor destroy it by their defamation.

Sir *Robert Walpole*:

Sir; I hope it is not expected, that the heat with which one class of our political writers have been attacked by the honourable gentleman, should engage me to undertake their defence with the same earnestness. I have neither interest enough in the question to awaken my passions, nor curiosity or leisure sufficient for such an examination of the writings on each side, as is necessary, before the superiority of an author above his brethren can be justly asserted.

It is no part, Sir, of my employment or amusement, to compare their arguments, or to balance their abilities; nor do I often read the papers of either party, except when I am informed by some that have more inclination to such studies than myself, that they have risen by some accident above their common level.

Yet, that I may not appear entirely to desert the question, I cannot forbear to say, that I have never from these accidental inspections of their performances, discovered any reason to exalt the authors who write against the administration, to a higher degree of reputation than their opponents. That any of them deserve loud applauses, I cannot assert, and am afraid that all, which deserves to be preserved of the writings on either side, may be contracted to a very few volumes.

The writers for the opposition appear to me to be nothing more than the echoes of their predecessors, or, what is still more despicable, of themselves, and to have produced nothing in the last seven years, which had not been said seven years before.

I may, perhaps, be thought by some gentlemen of each class, to speak contemptuously of their advocates, nor shall I think my own opinion less just for such a censure; for the reputation of controversial writers arises, generally, from the prepossession of their readers in favour of the opinions which they endeavour to defend. Men easily admit the force of an argument which tends to support notions, that it is their interest to diffuse, and readily find wit and spirit in a satire pointed at characters which they desire to depress. But to the opposite party, and even to themselves, when their passions have subsided, and their interest is disunited from the question, those arguments appear only loud assertions, or empty sophistry; and that wit, which was clamorously praised, discovers itself to be only impudence or low conceits; the spirit evaporates, and the malignity only remains.

If we consider, Sir, what opposition of character is necessary to constitute a political writer, it will not be wondered, that so few excel in that undertaking. He that will write well in politics, must at the same time have a complete knowledge of the question, and time to digest his thoughts into method, and polish his stile into elegance; which is little less than to say, he must be at once a man of business, and a man of leisure; for political transactions are not easily understood, but by those who are engaged in them, and the art of writing is not attainable without long practice, and sedentary application.

Thus it happens that political writings are generally defective. For they are drawn up by men unacquainted with public business, and who can therefore only amuse their readers with fallacious recitals, specious sophistries, or an agreeable stile; or they are the hasty productions of busy negociators, who, though they cannot but excel the other class of writers in that which is of most importance, the knowledge of their subject, are yet rarely at leisure to display that knowledge to advantage, or add grace to solidity.

Writers of the latter sort appear but seldom, and most of our political papers are the amusements of leisure, or the expedients of want.

Whether the paper, now before us, is the produce of ease, or of necessity, I shall not determine; I have already offered my opinion, that the man who claims it, is not the author, nor do I discover any reason for changing my sentiment: The question is a question merely of conjecture, since neither I, nor the hon. gentleman attempt to offer any demonstrative proofs of our opinion. If he has any to produce in favour of his own notions, let him lay them before you, but let him always forbear to impute to me assertions which I never uttered, and beware of representing me as declaring that I believe this paper the composition of some members of this House.

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It was then debated, whether this offence should be punished by the authority of the House, or referred to the cognizance of some of the courts of Westminster hall.

Mr. *Howe:*

Sir; It is the duty of every part of the legislature, not only to preserve the whole system of our government unaltered and unimpaired, but to attend particularly to the support of their own privileges, privileges not conferred upon them by our ancestors, but for wise purposes.

It is the privilege of this House that we, and we only, are the judges of our own rights, and we only, therefore, can assign the proper punishment when they shall be presumptuously invaded.

If we remit this offender, who has attempted to debase the House in the opinion of the nation, to any inferior court, we allow that court to determine by the punishment that shall be inflicted, the importance of this assembly, and the value of the collective character of this House.

It therefore concerns us, in regard to our own dignity, and to the privileges of our successors, that we retain the cognizance of this crime in our own hands, in which it is placed by perpetual prescription and the nature of our constitution.

Ordered, "That William Cooley having confessed himself to be Author and Publisher of a malicious and scandalous libel, intitled, 'Considerations upon the 'Embargo on Provision of Victual,' be for his said offence committed to his Majesty's gaol of Newgate."

Sir *William Yonge* then said:

Sir; I am pleased with finding that the malice and indecency of this libel, has raised in the House a just resentment, and that the wretch, who with a confidence so steady, and such appearance of satisfaction in his countenance, confesses, or rather proclaims himself the author, is treated as he deserves. But let us not forget that the same degree of guilt always requires the same punishment, and, that when the author of scandal is in prison, the printer and propagator of it ought not to be at liberty.

The printer of the Daily News is surely the proper object of your indignation, who inserted this libel in his paper, without the fondness of an author, and without the temptation of a bribe; a bribe, by the help of which it is usual to circulate scurrility. To this man the expence or labour of aspersing the government was recompensed by the pleasure, and he could not prevail on himself to omit any opportunity of incensing the people, and exposing at once the whole legislature to censure and contempt.

Those, therefore, that have concurred in the imprisonment of the author, will doubtless join with me in requiring the attendance of his officious accomplice, and I cannot forbear expressing my hopes, that he will not meet with kinder treatment.

It is far from being the first offence of his licentious press; and the lenity of the government, by which he has been so long spared, has had no other effect upon him, than to add confidence to his malice, and incite him to advance from one degree of impudence to another.

He has for several weeks persisted in misrepresenting the intention of the embargo, by letters pretended to be written by friends of the government, who are injured by it. He has vented his insinuations as hitherto with impunity, so, as it appears, without fear. It is time, therefore, to disturb his security, and restrain him from adding one calumny to another.

Sir *John Barnard:*

Sir; the end of punishment is to prevent a repetition of the same crime both in the offender, and in those who may have the same inclinations, and when that end is accomplished, all farther severities have an appearance rather of cruelty than justice.

By punishing the author of this libel, we have, in my opinion, sufficiently secured our dignity from any future attacks; we have crushed the head of the confederacy, and prevented the subordinate agents from executing their malice. Printers can do no injury without authors: and if no man shall dare to write a libel, it is not worthy our enquiry how many may be inclined to publish it.

But if the printer must necessarily be punished before the resentment of the House can be satisfied; if it shall not be thought sufficient to punish him without whose assistance the other could not have offended; let us, at least, confine our animadversion to the present fault, without tracing back his life for past misdemeanors, and charging him with accumulated wickedness; for if a man's whole life is to be the subject of judicial enquiries, when he shall appear at the bar of this

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House, the most innocent will have reason to tremble when they approach it.

Even with regard, Sir, to the offence of which he is now accused, somewhat may, perhaps, be said in extenuation of his guilt, which I do not offer to gratify any personal affection or regard for him, to whom I am equally a stranger with any other gentleman in this House, but to prevent a punishment which may be hereafter thought disproportioned to the crime.

It is, Sir, to be remembered, that he was not the original printer of the libel, which he only reprinted from a paper, of which he knew that it was to be dispersed at our door, and in which he could not naturally suspect any seditious or dangerous assertions to be contained. It is, therefore, probable that he fell into the offence by ignorance, or, at worst, by inadvertency; and, as his intention was not criminal, he may properly be spared.

Mr. *Winnington:*

Sir; I cannot but think the hon. gentleman betrayed by his zeal for the defence of this man, into some assertions not to be supported by law or reason. If it be innocent to print a paper once printed, will it not inevitably follow, that the most enormous insults on the crown itself, the most seditious invectives, and most dangerous positions, may be dispersed through the whole empire, without any danger but to the original printer? And what reason, Sir, can be assigned, why that which is criminal in one man, should be innocent in another?

Nor is this the only position which had been advanced contrary to the laws of our country; for it has been asserted, that the general character of an offender is a consideration foreign from that of his immediate crime; and that whatever any man's past life had been, he is only to be judged according to the evidence for the offence, which is then the subject of examination.

How much this opinion is consistent with the practice of our courts, a very slight knowledge of their methods of proceeding, will readily discover. Is any villain there convicted but by the influence of his character? And is not the chief question at a trial the past conduct of the person at the bar?

Sir *John Barnard:*

Sir; I rise up only to answer a question, which is, whether properly or not, put to me, and hope the irregularity will not be imputed to me by the House, but to the occasion which produces it.

I am asked, whether it is not the chief question at the bar of our courts of justice, What is the character of the prisoner? And cannot but feel some amazement that any man should be so ignorant of common proceedings, and so much unacquainted with the execution of our laws, as to have admitted a notion so chimerical.

The character of the prisoner is never examined, except when it is pleaded by himself, and witnesses are produced to offer testimony in his favour; that plea, like all others, is then to be examined, and sometimes confuted by contrary evidence. But the character of a criminal, though it may be urged by himself as a proof of his innocence, is never to be mentioned by his prosecutor as an aggravation or proof of his guilt. It is not required by the law, that the general character of a criminal, but that the particular evidence of the crime, with which he stands charged, should be examined; nor is his character ever mentioned but by his own choice.

Sir *William Yonge:*

Sir; to prove the malignity of the intention with which this libel was inserted in the daily paper, it cannot be improper to observe, that the embargo had been, for many days past, the favourite topic of this printer, and that, therefore, it was not by accident that he admitted so zealous an advocate for his opinions to be seasonably assisted by the circulation of his paper, but that he doubtless was delighted with an opportunity of dispersing sedition by means of greater abilities than his own.

Nor can it be justly pleaded, Sir, in his favour, that he was encouraged to publish it by the confidence with which he saw it dispersed; for it was printed by him in the morning, and not brought hither till the afternoon. I cannot, therefore, but conclude, that his intentions were agreeable to his practice, and that he deserves to accompany the author in his present confinement.

Mr. *Campbell:*

Sir; I hope it will not be imputed to me as a disregard of the government, or neglect of the honour of this House, that I declare myself on all occasions like this, inclined to lenity, and think it necessary always to proceed by regular methods, and known forms of justice, not by capricious determinations, and orders variable at pleasure

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I opposed the imprisonment of the man who just now appeared at the bar of our House, and am still more unwilling to proceed to severities against another, who is criminal only in a subordinate degree. The loudest declaimers against those men cannot have stronger detestation of falshood and sedition than myself; but however flagrant may be the crimes, they may be punished with unjustifiable rigour, and, in my opinion, we have already proceeded with severity sufficient to discourage any other attempts of the same kind.

Whether it will promote the advantage of the public, and the efficacy of our deliberations, to deter any man from the common practice of giving us information by delivering papers at our door, must be considered by the House.

Nor is it less worthy of our most attentive enquiry, whether it is not more reasonable to prosecute this offender in the common forms of justice, than to punish him by any act of uncontrollable, unaccountable authority? Whether it is not more reasonable to have him prosecuted before a judge unprejudiced, and a disinterested jury, than to act at once as party, evidence, and judge. I have no desire, Sir, of diminishing the privileges of this House; and yet, less would I contribute to establish any precedents of unlimited power, or arbitrary punishments.

Mr. *Attorney General:*

Sir; whence so much tenderness can arise for an offender of this kind, I am at a loss to discover; nor am I able to conceive any argument that can be produced for exempting from punishment the printer of a paper, which has been already determined by the vote of the House, to be a scandalous libel, tending to promote sedition.

It has been, indeed, agreed, that there are contained in the paper some true positions, and some passages innocent at least, and perhaps rational and seasonable. But this, Sir, is nothing more than to say, that the paper, flagitious as it is, might have been swelled to a greater degree of impudence and scurrility; that what is already too heinous to be borne, might by greater virulence become more enormous.

If no wickedness, Sir, is to be checked till it has attained the greatest height at which it can possibly arrive, our courts of criminal judicature may be shut up as useless; and if a few innocent paragraphs will palliate a libel, treason may be written and dispersed without danger or restraint; for what libel was ever so crowded with sedition, that a few periods might not have been selected, which, upon this principle, might have secured it from censure.

The danger of discouraging intelligence from being offered at the door of our House, does not alarm me with any apprehensions of disadvantage to the nation; for I have not so mean an opinion of the wisdom of this assembly, as to imagine that they can receive any assistance from the informations of these officious instructors, who ought, in my opinion, Sir, rather to be taught by some parliamentary censure to know their own station, than to be encouraged to neglect their proper employments, for the sake of directing their governors.

When bills, Sir, are depending, by which either the interest of the nation, or of particular men, may be thought to be endangered, it is indeed the incontestable right of every Briton to offer his Petition at the bar of the House, and to deliver the reasons upon which it is founded. This is a privilege of an unalienable kind, and which is never to be infringed or denied; and this may always be supported without countenancing anonymous intelligence, or receiving such papers as the authors of them are afraid or ashamed to own, and which they, therefore, employ meaner hands to distribute.

Of this kind, Sir, undoubtedly, is the paper now under our consideration, of which I am far from imagining that it was drawn up by the man who declares himself the writer, and am therefore convinced of the necessity of calling the printer to the bar, that whatever the lenity or justice of this assembly may determine with regard to his punishment, he may be examined with respect to the real authors of the libel; and that our resentment may fall upon him, who has endeavoured to shelter himself by exposing another.

Mr. *Ord:*

Sir; I am inclined to believe, that the persons associated in writing and dispersing this paper, whosoever they may be, are of no high rank, or considerable influence: as it is not likely that any man who had much to hazard, would expose himself to the resentment of the whole legislature; but let us not for that reason exert our superiority in wanton punishments, or tyrannize merely because we cannot be resisted. Let us remember that

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the same justice and the same humanity is due to the meanest, as the highest of our fellow subjects; and that there is even less necessity of rigorous measures, as the attack is less formidable.

But, Sir, there is one motive to moderation that has seldom been found less efficacious than the consideration of the laws of justice or humanity. We ought to be withheld by regard to our posterity, and even to ourselves, from any exorbitant extension of our privileges. We know, that authority once exerted, is claimed afterwards by prescription. And who knows by what sudden rotation of power, he may himself suffer by a precedent which he has concurred to establish, and feel the weight of that oppressive power which he first granted for the punishment of another.

Mr. *Howe:*

Sir; I am always unwilling to oppose any proposal of lenity and forbearance, nor have now any intention of heightening the guilt of this man by cruel exaggerations, or inciting the House to rigour and persecution.

But let us remember, Sir, that justice and mercy are equally to be regarded, and while we pity the folly of a misguided, or perhaps, a thoughtless offender, let us not suffer ourselves to be betrayed by our compassion, to injure ourselves and our posterity.

This House, Sir, has always claimed and exerted the privilege of judging of every offence against itself; a privilege so long established, and so constantly exercised, that I doubt whether the inferior courts of judicature will take cognizance of an attack upon us; for how can they venture to decide upon a question of such importance, without any form or precedent for their proceedings.

There seems also to be at this time, Sir, an uncommon necessity for tenaciousness of our privileges, when as some whispers which have been wafted from the other House inform us, a motion has been made in terms, which might imply the subordination of this assembly, an assertion without foundation either in reason or justice, and which I shall always oppose as destructive to our rights, and dangerous to our constitution.

Let us therefore, Sir, retain in our hands the cognizance of this affair; and let the criminal either suffer his punishment from our sentence, or owe his pardon to our mercy.

Ordered: That J. Meres, printer of the said Daily Paper, intitled "The Daily Post," in which is contained the said malicious and scandalous libel, do attend this House to morrow. Also, That the said —— Hughes, printer in Holborn; and the clerk to the press belonging to the said J. Meres, do likewise attend.

Dec. 3. J. Meres, attending according to order, was called in; and the printed Paper intituled "The Daily-Post," &c. being shewn to him at the bar; and it being proposed, that he should be asked, Whether he printed that paper; he was ordered to withdraw. And the question being put, That John Meres be again called in, and asked, Whether he be the person who printed the Paper, &c. The House divided. Ayes 220. Noes 163. So it was resolved in the affirmative.

Then the said J. Meres was again called in; and that question being asked, he confessed, That he printed the said paper; and that so much thereof as contains the matter complained of, was printed from a printed paper, left for him with one of his servants: a written copy of which was on Thursday last brought to him by William Cooley, in order to be printed by the next morning; but not then printed, for want of time. And being again asked, What he had to say in his justification or excuse for printing the said paper; he said, That as he had before printed several other things, which he had received from the same person, which had not given offence, he printed that; which he should not have printed, if he had thought it would have given offence to this House; and that he did not print afterwards in the Daily-Post the rest of the said paper, so left with one of his servants; having heard, that it had given offence to this House.—And then he again withdrew.

Ordered, That John Meres, having confessed, That he is the person who printed the paper, intituled, "The Daily-Post," &c. be, for his said offence, taken into the custody of the serjeant at arms attending this House.

A motion was made, and the question being put, That an humble Address be presented to his majesty, that he will be pleased to give directions to his Attorney-General to prosecute at law the said John Meres, for having printed the paper, intituled, "The Daily-Post," &c. The House divided. Ayes 188. Noes 145. So it was resolved in the affirmative.

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John Hughes, printer in Holborn, attending according to order, he was called in, and the Paper brought up yesterday to the table, intituled, "Considerations upon the Embargo on Provision of Victual," being shewn to him at the bar, he confessed, That he did print the same by the direction of William Cooley, who brought to him a written copy thereof on Thursday last at night, to be printed by the next morning, in order to be delivered to the members of this House, as he was informed by the said William Cooley: for whom he did, about two years ago, print a case in parliament. And in his farther excuse, he said, That he read the title of the said paper, and no more; and that, having been ten years in business, he had never given offence before, and was sorry for what had now happened. And then he withdrew.

A motion was made, and the question being put, That John Hughes, having confessed, that he is the person who printed the paper, intituled, "Considerations upon the Embargo on Provision of Victual, &c." be, for his said offence, taken into the custody of the serjeant at arms attending this House. The House divided: Ayes 148; Noes 75. So it was resolved in the affirmative.

Dec. 4. A Petition from the said John Hughes having been presented expressing his sorrow for the offence, whereby he had justly incurred the displeasure of the House, and praying to be discharged, he was brought to the bar on the following day, received a reprimand on his knees, and was ordered to be discharged, paying his fees.

Dec. 12. Lord Barrington presented a Petition from J. Meres the printer of the Daily Paper, expressing his sorrow, promising all possible care not to offend for the future, and praying to be discharged. This Petition being read, a motion was made, that the serjeant at arms do carry the Petitioner to some court of law, to give security for his appearance to the prosecution to be carried on against him by the Attorney General, which done, that he be discharged, paying his fees. Upon which,

Sir *William Yonge* said:

Sir; I know not for what reason this enormous offender is entitled to so much regard, or by what interest he has engaged so many, who, I doubt not, abhor his crimes, to pity his sufferings.

Had he been young and unexperienced, and seduced into the commission of this offence by artifice, or persuasion, his act might have been reasonably considered rather as an error than a crime, and it might have been proper to treat with lenity a delinquent neither obstinate nor malicious.

But how, Sir, can this plea be urged in favour of a man, whose daily employment it has been, for these two years past, to misrepresent the public measures, to disperse scandal, and excite rebellion, who has industriously propagated every murmur of discontent, and preserved every whisper of malevolence from perishing in the birth?

The proper judge, Sir, of this affair, is his Majesty's attorney general, who is not now in the House. I am therefore, for detaining him in custody, and for referring the consideration of farther proceedings against him to that gentleman whose proper province it is to prosecute for the crown.

Mr. *Waller:*

Sir; it is undoubtedly the duty of every man to oppose the introduction of new laws, and methods of oppression and severity, which our constitution does not admit; and what else is the mention of a prisoner's character as an aggravation of his present offence?

It is well known, and has been already asserted, upon this occasion, that in the lower courts of justice, though the prisoner may plead his character in his own defence, his prosecutor is not at liberty to produce it to his disadvantage. Even those who are cited to the bar for murder or for treason, are tried only by the evidence of that crime for which they are indicted.

That this House is not bound to strict forms, and is not accountable for the exercise of its power, is easily granted; but authority cannot change the nature of things, and what is unjust in a lower court, would be in us not less unjust, though it may not be punishable.

It was replied that this question had been before sufficiently discussed. The Attorney General not being present, on a division the debate was adjourned to the 15th. Ayes 147; Noes 131.

Dec. 15. Lord Barrington proposed that the adjourned debate might be resumed, and several members interceded for the petitioner, that he might be released; to which it was objected, that it was not proper to release him, unless an informa-

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tion was lodged against him, without which he could not be held to bail; and the question being put, whether he should be released, was determined in the negative. Ayes 93; Noes 131.

January 22, 1741. A Petition of William Cooley, a prisoner in Newgate, was presented to the House, setting forth, That the Petitioner was, by order of the House, of the 2d of December last, committed prisoner to his majesty's gaol of Newgate, &c. and representing to the House, That the Petitioner heartily bewails his having incurred the displeasure of the House, and humbly begs leave to give the strongest and most solemn assurances of his never giving the least offence for the future; and that by means of his long confinement, and the inclemency of the season, he is reduced to the greatest misery and distress, not having even sufficient sustenance to support life: and therefore praying the House to permit him, on his knees, to implore pardon for his said offence; and that he may be discharged from his said confinement.

Ordered that the said W. Cooley be brought to the bar of this House to-morrow morning, in order to his being discharged out of custody.

January 23. W. Cooley was, according to order, brought to the bar; where he upon his knees, received a reprimand from the Speaker; and was ordered to be discharged out of custody, paying his fees.

Feb. 10. A Petition of John Meres, Printer, was presented to the House, and read; setting forth, That the Petitioner was, by order of this House, of the 3d of December last, committed into the custody of the serjeant at arms attending this House, for having printed the paper, intituled, "The Daily Post," &c. That the Petitioner most heartily bewails his having incurred the displeasure of this House, and hopes his discontinuing to print the remainder of the said paper will be judged as it really was, an instance of his unwillingness to give any offence: that the petitioner is miserably reduced by his confinement, having tired out all his friends, by borrowing money from them, for his, and the support of his wife and several small children, who are become great objects of charity; and that it is uncertain what pains and penalties may be inflicted on the Petitioner, in consequence of the said address for prosecution, over and above what he at present labours under by his expensive confinement: and therefore praying the mercy of the House, in consideration of the premises, to interpose, by preventing him being made so great an object of severity, by double punishment; and to order him to be brought before some justice of the court of King's bench, to enter into recognizances for his appearing and taking his trial at the bar of the said court (and the rather for that, if he be not so admitted before the last day of this term, he cannot have any other relief till the next term, as he is informed), or to make such other order, in the Petitioner's behalf, as to the House shall seem meet.

Ordered, That John Meres, now in custody of the serjeant at arms attending this House, be discharged out of custody, paying his fees, upon giving the usual security, in order to be forth-coming, to answer the prosecution which this House has addressed his majesty to give directions to his Attorney-General to carry on against the said John Meres, and that the said serjeant do carry the said John Meres, for that purpose, where he shall be directed by Mr. Attorney-General.

April 8. Mr. George Heathcote offered another Petition in behalf of the said John Meres, representing, that the fees amounting to 121*l.* he was not able to pay them, that, therefore, he hoped the House would consider his case; but the Petition was not allowed to be brought up. He therefore continued in custody until the end of the session.

*Debate in the Lords on the State of the Army: and on a Resolution against augmenting it by Regiments.**] Dec. 9. The order of the day being read for taking the State of the Army into consideration,

The Duke of *Argyle* rose and said:†

My lords; as the present situation of our affairs may require an Augmentation of

* From the Gentleman's Magazine: compiled by Dr. Johnson.

† *From the Secker Manuscript.*

Dec. 9. Debate on the State of the Army.

Argyle. If the people of this nation were to examine whether they are most indebted to the ministry for their negociations in time of peace, or their military preparations and prosecution of the war, they might be greatly at a loss,

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our Forces, and, as the success of our arms, and the preservation of our liberties may equally depend upon the manner in which the new forces shall be raised, there is, in my opinion, no question more worthy the attention of this august assembly, than what may be the most proper method of increasing our army.

On this question, my lords, I shall offer my own sentiments with greater confidence, as there are few men who have had more opportunities of being acquainted with it

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but will agree unanimously, that take the administration for all in all, it is altogether inimitable. The number and strength of our allies, the payment of our debts, the diminution of our taxes, and increase of our riches during the short peace we have had, the encouragement of our trade and merchants, the conduct of our navy, the frugal management of the small sums that could be afforded, the excellent condition our ships are in—these things make it impossible to say without a blush, that there ever was or can be such another administration. It is strange that their self-denying modesty should prevent our having the evidences laid before us, which must have made the authors or author of all our happiness the Darling of the People. We have indeed been indulged with some papers relating to the Army: it is unhappy they should have been so long in drawing up. The town says, a question upon raising New Regiments is soon to come before the House. Perhaps it was not thought proper that this House should consider that matter till the other had determined it. Another Paper should have been called for; and it is strange a ministry so fond of Enquiries had not called for it, on account of the expence the nation hath been put to by the late necessary encampment. I am fully persuaded that every word I am going to say is true: and if every method is to be taken that can tend to destruction, I shall however have done my duty. Regular forces are necessary in this nation in time of peace, with a proper regard to our situation, and so long as our neighbours keep such forces. And I have not changed my opinion, that 17,000 are not too many: but never was of that opinion for the reasons of those I voted with, as I always took care to shew. I understood that the troops were to be a military body, not kept on foot for the destruction of the liberties of this country. I do not mean by burning and ravaging: these are idle apprehensions. But an army that can assist in elections, and vote away our liberties, this is the danger. And now I will shew which is an army to do good, which to do mischief. An army should be rightly proportioned of every species of officers fitted to do service. A hundred general officers for 100,000 men would be an improper proportion. It must be under military direction. The general officers must advise in military affairs, and none but military men must advise in the military part. There must be the very strictest military subordination, on which must be founded the strictest discipline. And so long as you have officers who have seen service in time of war, which alone is service, you ought not to have recourse to others. There may be exceptions to this, and distinctions shewn to persons of the first rank. But it ought to be a general rule. The rest of the places must be filled up with people that have such talents as experience will ripen. And all these must be preferred for their military merit, and punished only for military faults, or breach of the laws. But the methods of conducting an army designed for civil purposes only must be very different. You must have no regard to military services, but take such as can assist you in elections or votes in parliament. These must be indulged in applying to nothing military, must be raised for the same services they were introduced for: there must be no subordination, for that may afflict gentlemen: they must think of paying for their preferments by their votes: if they will not assist as they are directed, they must be discouraged, others put over their heads; or, if they are very obstinate, turned out, and their bread taken from them. These being the two methods, how hath the fact been? I have been 20 years the third officer in the army, eight or 9 years the second, several years the first. Therefore I may be a good evidence as to facts. And ever since this ministry hath mounted into power, military methods have been laid aside; the chain broken between the crown and the colonel; general officers have had commissions, as a man of great wit hath said, only to intitle them to call one another names; the general hath been only colonel of his own regiment, and a much less man even there than colonels were in king William's time; no discipline hath been kept up; for reviews and exercises are not discipline, but the A B C of service, of which it is necessary to know a little and no more; the general officers have had no power of acting or advising about the placing so much as an ensign sometimes not even in their own regiments. The same methods have been pursued since the war begun. General officers have not been employed or consulted excepting the lowest; such as were not general officers in the war time: and no man hath been consulted in a proper way. It was necessary last year to augment the army, and it might have been very usefully employed: we might have ravaged the whole coast of Spain, as France will do ours if ever they break with us and are masters at sea. But this was not done by additional men to each company, which it was my opinion formerly, as well as now ought to have been done, but six regiments of marines were raised in order to erect new offices, and out of above 200 half pay officers, not above 36 were put into those regiments. I spoke well of one youth who had distinguished himself in

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in its whole extent, as I have spent great part of my life in the field and the camp. I commanded a regiment under king William, and have long been either the first, or almost the first man in the army.

I hope, my lords, it will be allowed without difficulty, that I have at least been educated in the best school of war, and that nothing but natural incapacity can have hindered me from making some useful observations upon the discipline and government of armies, and the advantages

two years Russian campaigns, and by the means of the secretary at war, the general made an ensign. Numbers paid for their commissions; tradesmen from the counter were made officers; numbers taken from school, that looked as if their cockades would tumble them over. And these may be of use, if their fathers, brothers, cousins, or cousin's cousins were members of parliament. In these six regiments when they went abroad, there did not go one member of parliament. There hath been one or two since: but one of them had voted wrong. Were there no other harm in this method of augmenting, it is too expensive. In time of peace it is right to keep a large proportion of officers. For then making up their companies each 100, you may have a great army immediately. The six regiments of marines cost above 121,000*l.* If we had augmented the old companies to 100, and allowed six serjeants and six corporals, this would have amounted to 89,000*l.* The difference is above 31,600*l.* And 2,000 men more would have come to 29,800*l.* so that we might have 8,000 men instead of 6,000, and still 1,800*l.* left to bestow in such purposes as I fear, often money hath been bestowed. It will be said this is too many men for 3 officers: but I increase the serjeants and corporals. And the imperial troops, whose ill success of late hath not been owing to want of more officers, but to ministerial merit recommending to commands; they have three battalions in a regiment, and only general officers have regiments, and their companies are of 140 men. The Saxons have 120, so have the Bavarians, and never troops got more glory whether they conquered or were beat. The Danes have at least 100. The Prussians have very strong companies. I believe as many or more. The Hanoverians, I imagine, have rather more than we. It may be said, the more officers the better. But not unless they can be maintained, and are officers indeed. And besides, too many officers are a clog; for they have more baggage and more horses. The French indeed have more officers than we, though not double, as some have said. But they clap their half-pay officers on their regiments, and call them *officiers reformes*. But in time of war, they have only three to 60 men. And the difference betwixt the pay of their officers and their soldiers, is nothing to that between ours. They had almost as good have a captain, as we a serjeant. Besides, the common people of France are by no means the shining part of the nation: but their officers are equal to the Romans, and by them it is that they behave well in war. They must all come into the army, and they spend all they have before they can get bread by their pay there. But the troops of the other nations above-mentioned have all of them beat the French. The Russians are beyond comparison the best army in the universe, but their establishment I have forgot. If there be any more augmentations made by way of regiments, you must do it on a belief that commissions convey knowledge; for you cannot find officers for 10 or 11 battalions. In the last that were raised, there are not above 3 or 4 officers in each corps one with another, that are men of service, and in most of them never a one. The question is, not whether you will have officers, but people with commissions to take money. Besides, if you add so many officers, they must all come afterwards upon half-pay. And how will it look, if three months before the election of a new parliament you have so many new places made? I have said nothing in all this but what I would say upon oath. And now I move for the following Resolution: "That augmenting the Army by raising of Regiments, as it is the most unnecessary and expensive method, is also the most dangerous to the Liberties of Britain."

It hath been said, there are amongst the half-pay officers, old and decrepit persons and others that will not come into the new regiments. The former, indeed, cannot be made use of. The latter, perhaps, are offered to come in under those who served under them formerly, or, it may be, have had but a year's pay. Why are they not offered a higher rank? There was more action in the ten campaigns in Flanders, than ever there was in any other 20. If a man hath served there, it is mortal injustice to put him under any such odd creature as hath favour enough to be put above him.

Newcastle. Knows the least of the affairs of the army of all others: and therefore knows not enough to come into this Resolution. Recommended two or three inferior officers, but not one principal one; but hath them much commended. He believes there is an Augmentation designed, but it is not known to the House in a way to justify a Resolution upon it.

Carteret. The nation will have obligations to the duke for ever for this motion. He got his knowledge *in acie* not *in umbra*. There should be an augmentation, but not by new corps. In Ireland the foot were 21 battalions. For one regiment had two: each regiment amounted but to 340 private men. Ten battalions were ordered from Ireland. They filled up the 11 remaining regiments with an addition of 3,400 men more, and that is the case in Ireland now. The ten regiments cost 90,000*l.* in Ireland, and

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and inconveniences of the various plans upon which other nations regulate their forces.

I have always maintained, my lords, that it is necessary in the present state of the neighbouring countries to keep up a body of regular troops, that we may not be less able to defend ourselves, than our enemies to attack us.

It is well known, my lords, that states must secure themselves by different means, as they are threatened by dangers of dif-

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now there is a saving of near 40,000*l.* and as many men, for 2-3ds of the pay goes to the officers. The Prussian regiments have two battalions which cost but 10,000*l.* Ours have but half that number: our marching regiments have but 815 men; and they cost 16,000*l.* The Hanoverians have two battalions, and 99 or 100 men in a company. By this way you may raise men at less than half the expence. Another way of saving is this: We have but ten companies in a regiment; in the late war there were 13. Make them so now. Our fleet also might be filled by a method which king William took. He put out a proclamation for encouraging able-bodied landmen to go on board the fleet. Marines should be raised before marching regiments, else one will hinder the other. It is said there hath been a desertion from the fleet of near 4,000 men. Might it not be right to pardon them if they return by a certain day? Many will then return, for some of them have ten months pay due. If one country can bring 20,000 into the field as cheap as another can 10,000, the latter cannot continue a war. The imperial regiments consist of 2,400. The Swedish of five battalions, for saving. They have one of 15 squadrons of horse. There must be a regular force here in time of peace. There are dangers from it, but greater without it. Whether this question be carried or no, the thing is carried. A man and horse in Hanover costs 14 guineas: here 40*l.* The pay should not be equal. Our men must live better and have more: but save what you can.

Cholmondeley. The parliament gives the army and puts the sovereign at the head of it. And whilst he shall think fit to direct it, no man hath reason to complain of not directing it himself. It is owing to mortality that we have not experienced officers. We cannot have men of service. How then doth this shew any bad design? It is a security to the liberties of the people to put in persons of rank. And the king hath never in any case acted contrary to our liberties.

Argyle. Made an exception expressly in favour of putting in persons of rank: and complains of nothing in relation to the sovereign. But the sovereign hath advisers, and of those we may complain.

Cholmondeley. Excused himself. For near two-thirds of queen Anne's reign our companies were of 59, and six men were deducted out of them. At the latter end of her reign they were augmented, but not to the present number. In a treaty for Prussian soldiers in her reign, it was insisted that their companies should not be more than ours. The Danes were 95, but then they had four officers, and they had besides a superior kind of men instead of serjeants and corporals, whom they called by a name answering to the French *bas officiers.* You cannot send your men abroad without more officers, and therefore the proposed saving will be perhaps for a few months only. No objections were made against raising corps last year. And you know not what services these will be wanting for. At least resolve nothing till the matter comes regularly before you. Besides, the resolution as it is proposed, carries a retrospect with it, a censure on what hath been already done.

Argyle. Bas officiers mean only serjeants and corporals: neither the Prussians nor any other foreigners in the war in queen Anne's time, were brought to our establishments. The Dutch have the same officers that we have. The Prussians had not above seven companies in a battalion: at least they had not twelve.

Westmoreland. Is sensible how little he knows of the other parts of this matter, and therefore will speak only as to the œconomy. The difference between raising four regiments of marines and seven marching regiments, will be 30,000*l.*, and when they come to half pay, 15,000*l.* Suppose them then three years on whole pay, and 10 years on half pay, the difference to the nation will be 240,000*l.*

Hervey. Surely the House will not condemn what is past, and make a resolution on what is future in this hasty manner. We have added 10,000 men to our troops without one officer. And the companies now are as large as ever they were in all the last war. Will you now censure what was done then? Taking this matter up here is perverting the ancient method. Put the previous question.

Talbot. The noble duke who made the motion made it from his knowledge. The noble duke who objected against it professed he did it on account of his ignorance. The king would always act right but may be advised ill. A great man hath been removed from the army for his parliamentary conduct. That the sons of gentlemen of fortune are in the army instead of being a security, is the great mischief. Hence the majority in parliament from boroughs: it is not from counties: hope the time will not come, when there shall be a contest for liberty, between the army and the people. If it doth, there is no man I should be afraid to fight my sword against. I fear no being upon earth. Young officers are taken almost from their nurses breast, whilst they who have deserved commissions with their blood are left on half pay. What affects our liberty or œconomy is always proper for the

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ferent kinds: policy must be opposed by policy, and force by force; our fleets must be increased when our neighbours grow formidable by their naval power, and armies must be maintained at a time like this, in which every prince on the continent estimates his greatness by the number of his troops.

But an army, my lords, as it is to be admitted only for the security of the nation, is to be so regulated, that it may produce the end for which it is established; that it may be useful without danger, and protect the people without oppressing them.

To this purpose, my lords, it is indispensibly necessary, that the military subordination be inviolably preserved, and that discipline be indiscriminately exercised without any partial indulgence, or malicious severities; that every man be promoted according to his desert, and that military merit alone give any pretensions to military preferments.

To make the army yet more useful, it ought to be under the sole command of one man, exalted to the important trust by his known skill, courage, justice, and fidelity, and uncontrouled in the administration of his province by any other authority, a man enabled by his experience to distinguish the deserving, and invested with power to reward them.

Thus, my lords, ought an army to be regulated, to which the defence of a nation

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House to consider. Wish this motion had been made at the first of the session. There was a tenderness that prevented this motion last year, but why go on in it? The previous question is parliamentary jockeyship.

Abingdon. An estimate is laid before the Commons: why not before this House also? It ought to be before the parliament. And no House of Commons ever called itself the parliament, but that which destroyed both the lords and the king.

Chancellor. Heard the noble duke with great pleasure: so much method, clearness, and instruction in his speech; though he could not assent to every thing in it. Hopes never to see an army in this country only under military direction. When that comes to pass, you will have a military constitution. Excludes himself, but hopes others in civil posts will always have skill sufficient to give some directions about the army. All agree an augmentation is necessary: but there are different opinions amongst military men about the motion made. And what lights have you before you concerning it? No papers relating to it: those which are on your table relating to the Army have not been read. Was there ever any resolution come to in such a manner? We were told yesterday, by the noble duke who made this motion, that we voted too much upon faith. I will not give my vote on faith in any man. We have no parliamentary ground to come to a resolution upon. It hath been said, let us come to a resolution to instruct the other House. But we may defeat our own ends, if the Commons think us too hasty. There will come a proper opportunity. You will have a Bill in which the number of forces will be mentioned. If you do not approve of it, you may advise the crown, or you may have a conference with the Commons. Why will you tie up your own hands now? Your resolution may make the augmentation impracticable, if the Commons take the other way. And what a figure shall we then make in Europe? It is not a matter of small consequence to make an alteration in the constitution of the army. They have fought and conquered as they are. And will you alter them merely upon discourse? There is no precedent of coming to such a Resolution on so short warning, and without so much as going into a committee upon it.

Carteret. Hath not heard the lord who spoke last with the usual pleasure, because he hath not spoken with his usual candour. The noble duke did not and could not intend that the civil power should be excluded from any share in the management of the Army. And if not, there is an end of the rhetoric on that head. We are at liberty to give up what may give the Commons light. Neither House is above receiving light from the other. And there are several instances of this. Was not the Excise taken up here, brought into every speech? If the noble duke's be not a good military scheme, let him consider what he hath done. Hope he will have the leading of this army, and believe he will. But if you do not take this scheme, take that of 13 companies, and take the officers from the half pay. So many annuities for life are a damp upon every thing. If the king were to be asked, Why is the establishment of your army so and so in Germany? He would answer, Because it is sufficient, and it is right. Why is it not right here then? My ministry tell me so. What know they? Do not you know a great deal better yourself than they? In Germany, where the king doth every thing himself, he doth every thing right. Calling part of these marines, is only a word to make them go down. They will be marching regiments. We cannot take this matter up in the Mutiny Bill. It will be said we are tearing up the government by the roots. If such doctrine as that of reserving this to the Mutiny Bill prevail, will never set my foot in the House more.

Willoughby.

Previous Question.

N. C. 59. Of which I was one.
C. 42.

Bishop of Hereford, N. C. Lincoln C. Lichfield did not vote.

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is entrusted, nor can any other scheme be formed which will not expose the public to dangers more formidable than revolutions or invasions. And yet, my lords, how widely those who have assumed the direction of affairs have deviated from this method is well known. It is known equally to the highest and meanest officers, that those who have most opportunities of observing military merit, have no power of rewarding it; and therefore every man endeavours to obtain other recommendations than those of his superiors in the army, and to distinguish himself by other services than attention to his duty, and obedience to his commanders.

Our generals, my lords, are only colonels with a higher title, without power, and without command; they can neither make themselves loved nor feared in their troops, nor have either reward or punishment in their power. What discipline, my lords, can be established by men, whom those, who sometimes act the farce of obedience, know to be only phantoms of authority, and to be restrained by an arbitrary minister from the exercise of those commissions which they are invested with? And what is an army without discipline, subordination and obedience? What, but a rabble of licentious vagrants, set free from the common restraints of decency, exempted from the necessity of labour, betrayed by idleness to debauchery, and let loose to prey upon the people? Such a herd can only awe the villages, and bluster in the streets, but can never be able to oppose an enemy, or defend the nation by which they are supported.

They may, indeed, form a camp upon some of the neighbouring heaths, or pass in review with tolerable regularity; they may sometimes seize a smuggler, and sometimes assist a constable with vigour and success. But unhappy would be the people who had no other force to oppose against an army habituated to discipline, of which every one founds his hopes of honour and reward upon the approbation of the commander.

That no man will labour to no purpose, or undergo the fatigue of military vigilance, without an adequate motive; that no man will endeavour to learn superfluous duties, and neglect the easiest road to honour and to wealth, merely for the sake of encountering difficulties, is easily to be imagined. And therefore, my lords, it cannot be conceived, that any man in the army will very solicitously apply himself to the duties of his profession, of which, when he has learned them, the most accurate practice will avail him nothing, and on which he must lose that time which might have been employed in gaining an interest in a borough, or in forming an alliance with some orator in the parliament.

For nothing, my lords, is now considered but parliamentary interest, nor is any subordination desired but in the supreme council of the kingdom. For the establishment of this new regulation the honours of every profession are prostituted, and every commission is become merely nominal. To gratify the leaders of the ministerial party, the most despicable triflers are exalted to an authority, and those whose want of understanding excludes them from any other employment, are selected for military commissions.

No sooner have they taken possession of their new command, and gratified, with some act of oppression, the wantonness of new authority, but they desert their charge with the formality of demanding a permission to be absent, which their commander dares not deny them. Thus, my lords, they leave the care of the troops, and the study of the rules of war, to those unhappy men, who have no other claim to elevation, than knowledge and bravery; and who, for want of relations in parliament, are condemned to linger out their lives at their quarters, amuse themselves with recounting their actions and sufferings in former wars, and with reading, in the papers of every post, the commissions which are bestowed on those who never saw a battle.

For this reason, my lords, preferments in the army, instead of being considered as proofs of merit, are looked on only as badges of dependance; nor can any thing be inferred from the promotion of an officer, but that he is, in some degree or other, allied to some member of parliament, or the leading voters of a borough.

After this manner, my lords, has the army been modelled, and on these principles has it subsisted for the last and the present reign: neither myself, nor any other general officer, have been consulted in the distribution of commands, or any part of military regulations. Our armies have known no other power than that of the Secretary of War, who directs all their motions, and fills up every vacancy without opposition, and without appeal.

But never, my lords, was his power more conspicuous than in raising the levies of last

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year; never was any authority more despotically exerted, or more tamely submitted to; never did any man more wantonly sport with his command, or more capriciously dispose of posts and preferments; never did any tyrant appear to set censure more openly at defiance, treat murmurs and remonstrances with greater contempt, or with more confidence and security distribute posts among his slaves, without any other reason of preference, than his own uncontrolable pleasure.

And surely no man, my lords, could have made choice of such wretches for military commands, but to shew, that nothing but his own private inclinations should influence his conduct, and that he considered himself as supreme and unaccountable: for we have seen, my lords, the same animals to-day cringing behind a counter, and to-morrow swelling in a military dress; we have seen boys sent from school in despair of improvement, and entrusted with military command; fools that cannot learn their duty, and children that cannot perform it, have been indiscriminately promoted; the dross of the nation has been swept together to compose our new forces, and every man who was too stupid or infamous to learn or carry on a trade, has been placed, by this great disposer of honours, above the necessity of application, or the reach of censure.

Did not sometimes indignation, and sometimes pity, check the sallies of mirth, it would not be a disagreeable entertainment, my lords, to observe, in the Park, the various appearances of these raw commanders, when they are exposing their new scarlet to view, and strutting with the first raptures of sudden elevation; to see the mechanic new modelling his mien, and the stripling tottering beneath the weight of his cockade; or to hear the conversation of these new adventurers, and the instructive dialogues of school-boys and shop-keepers.

I take this opportunity, my lords, of clearing myself from any suspicion of having contributed, by my advice, to this stupendous collection. I only once interposed with the recommendation of a young gentleman who had learned his profession in two campaigns among the Russians; and whom, yet, neither his own desert, nor my patronage, could advance to a commission. And, I believe, my lords, all the other general-officers were equally unconsulted, and would, if their advice had been asked, equally have disapproved the measures that have been pursued.

But thus, my lords, were our new regiments completed; in which, of 250 officers who have subsisted upon half-pay, only 36 have been promoted, though, surely, they might have pleaded a juster claim to employment, who had learned their profession in the service of their country, and had long languished in penury, than those who had neither knowledge, nor capacity, who had neither acted, nor suffered, any thing; and who might have been destined to the hammer, or the plough, without any disreputation to their families, or disappointment to themselves.

I have been told, indeed, my lords, that to some of these officers commissions were offered, which they refused; and for this refusal, every reason is alledged, but the true; some indeed, excused themselves as disabled by age, and infirmities from military service; nor can any objection be made to so just a plea. For how could those be refused in their age the comforts of ease and repose, who have served their country with their youth and vigour?

Others there are, my lords, who refused commissions upon motives very different; in which, nevertheless, some justice cannot be denied. They who had long studied, and long practised their profession; they, who had tried their courage in the breach, and given proofs of their skill in the face of the enemy, refused to obey the command of novices, of tradesmen, and of school-boys: they imagined, my lords, that they ought to govern those whom they should be obliged to instruct; and to lead those troops, whom they must range in order. But they had forgot that they had out-lived the time when a soldier was formed by study and experience, and had not heard, in their retreats, that a colonel or a captain was now formed in a day; and therefore, when they saw and heard their new commanders, they retired back to their half-pay with surprize and indignation.

But, my lords, the follies of last year cannot be easily rectified, and are only now to be exposed, that they may not be repeated. If we are now to make new levies, and encrease the number of our land-forces, it is in my opinion incumbent upon us to consider by what methods we may best augment our troops, and how we may be able to resist our foreign enemies, without exposing the nation to intestine miseries, and leaving our liberties at the mercy of the court.

There are, my lords, two methods of in-

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creasing our forces; the first is, that of raising new regiments; the other, of adding new men to those which already subsist.

By raising new regiments, my lords, we shall only gratify the minister with the distribution of new commissions, and the establishment of new dependants; we shall enlarge the influence of the court, and increase the charge of the nation, which is already loaded with too many taxes to support any unnecessary expence.

By the other method, of adding a hundred men to every company, we shall not only save the pay of the officers, which is no slight consideration, but, what seems, if the reports raised by the ministry, of our present danger, be true, of far more importance, shall form the new forces with more expedition into regular troops; for, by distributing them among those who are already instructed in their duty, we shall give them an opportunity of hourly improvement; every man's comrade will be his master, and every one will be ambitious of forming himself by the example of those who have been in the army longer than themselves.

If it be objected, my lords, that the number of officers will not then bear a just proportion to that of the soldiers, it may be answered, that the foreign troops of the greatest reputation have no greater number of officers, as every one must know who is acquainted with the constitution of the most formidable armies of Europe. Those of the king of Prussia, or of the various nations by which we were assisted in the late war, either as confederates or mercenaries, have but few officers. And I very well remember, my lords, that whenever they were joined by parties of our own nation, the inequality in the number of the officers, produced contests and disputes.

The only troops of Europe, my lords, that swarm with officers, are those of France; but even these have fewer officers, in proportion to their private men, in time of war; for when they disband any part of their forces, they do not, like us, reduce their officers to half-pay, but add them to the regiments not reduced, that the families of their nobility may not be burthened with needy dependants, and that they may never want officers for new levies.

There are many reasons, my lords, that make this practice in France more reasonable than it would be in our kingdom. It is the chief view of their governors to continue absolute, and therefore their constant endeavour to keep great numbers in dependance; it ought to be our care to hinder the increase of the influence of the court, and to obstruct all measures that may extend the authority of the ministry; and therefore those measures are to be pursued, by which independance and liberty will be most supported.

It is likewise to be remembered, my lords, that a French officer is supported with pay not much larger than that of a private soldier among us; and that therefore the argument which arises from the necessity of frugality, is not of the same force in both nations.

There is yet another reason why the French are under the necessity of employing more officers than any other nation: the strength of their armies consists in their gentlemen, who cannot be expected to serve without some command: the common soldiers of the French army are a mean, spiritless, despicable herd, fit only to drudge as pioneers, to raise entrenchments, and to dig mines; but without courage to face an enemy, or to proceed with vigour in the face of danger.

Their gentlemen, my lords, are of a very different character; jealous of their honour, and conscious of their birth, eager of distinction, and ambitious of preferment. They have commonly their education in the army, and have no expectations of acquiring fortunes equal to their desires by any other profession, and are therefore intent upon the improvement of every opportunity which is offered them of increasing their knowledge and exalting their reputation.

To the spirit of these men, my lords, are the French armies indebted for all their victories, and to them is to be attributed the present perfection of the art of war. They have the vigilance and perseverance of Romans, joined with the natural vivacity and expedition of their own nation.

We are therefore not to wonder, my lords, that there is in the French armies an establishment for more gentlemen than in other countries, where the disparity between the military virtues of the higher and lower classes of men is less conspicuous. In the troops of that nation nothing is expected but from the officers, but in ours the common soldier meets danger with equal intrepidity, and scorns to see himself excelled by his officer in courage or in zeal.

We are therefore, my lords, under no

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necessity of burthening our country with the expence of new commissions, which in the army will be superfluous, and in the state dangerous, as they will fill our parliament with new dependants, and our corporations with new adherents to the minister, whose steady perseverance in his favourite scheme of parliamentary subordination will be perhaps the only occasion of these new levies, or at least has hindered the right application of our standing troops. For what reason, my lords, can invention or imagination assign, why the troops who had been for some time disciplined, were not rather sent to the assistance of Vernon than the new marines, except that some of them were commanded by men, who had obtained seats in the other House, and who by their settled adherence and avowed fidelity to the minister, had recommended themselves too powerfully to be rashly exposed in the service of their country to the bullets of the Spaniards.

So great, my lords, has been the minister's regard to parliamentary abilities, and so strict his gratitude to his friends, that I know of but one member of the other House that has been hazarded in this expedition; and he a hopeless, abandoned patriot, insensible of the capacity or integrity of our ministry, and whom nothing has been able to reconcile to our late measures. He therefore, who has never exerted himself in defence of the ministry, was in his turn thought unworthy of ministerial protection, and was given up to the chance of war without reluctance.

But I hope your lordships will concur with me in the opinion, that it is not always necessary to gratify the ministry, but that our country claims some part of our regard, and therefore that in establishing our army we should pursue that method which may be most accommodated to our constitution, and instead of imitating the military policy of the French, follow the example of those nations by whose troops they have been conquered.

Had this scheme been hitherto followed, had our new levies, instead of being put under the command of boys, been distributed in just proportions among the standing regiments, where they might soon have been qualified for service by the inspection of experienced officers, we might now have seen an army capable of awing the court of Spain into submission, or, if our demands had been still refused, of revenging our injuries, and punishing those who have insulted and despised us.

From an army thus raised and disciplined, detachments, my lords, ought to have been sent on board of all our fleets, and particularly that which is now stationed in the Mediterranean, which would not then have coasted about from one port to another, without hurting or frighting the enemy, but might by sudden descents have spread terror through a great part of the kingdom, harrassed their troops by continual marches, and by frequent incursions have plundered all the maritime provinces, driven the inhabitants into the inland country, and laid the villages in ashes.

There is yet, my lords, no appearance of a peace, for our success has not enabled us to prescribe terms, and I hope we are not yet fallen so low as to receive them; it is therefore proper to form such resolutions as may influence the conduct of the war, and enable us to retrieve the errors of our past measures.

The minister, my lords, is not without panegyrists, who may perhaps endeavour to persuade us, that we ought to resign all our understandings to his superior wisdom, and blindly trust our fortunes and our liberties to his unshaken integrity. They will, in proof of his abilities, produce the wonderful dexterity and penetration which the late negociations have discovered, and will confirm the reputation of his integrity by the constant parsimony of all his schemes, and the unwillingness with which he, at any time, increases the expences of the nation.

But, my lords, it is the great duty of your high station to watch over the administration, and to warn those, who are more immediately entrusted with the public affairs, against measures which may endanger the safety or happiness of the nation; and therefore, if I have proved to your lordships, that to raise new regiments is dangerous to our liberties, that a multitude of officers is of no use in war, and that an army may be more expeditiously disciplined by adding new men to every company, I hope your lordships will agree to this resolution which I have drawn up with the utmost brevity, and of which the meaning cannot be mistaken: "That augmenting the army by raising regiments, as it is the most unnecessary and most expensive method of augmentation, is also the most dangerous to the liberties of Britain."

The Duke of *Newcastle*:

My lords; as my education and employ-

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ments have afforded me no opportunities of acquiring any skill in military affairs, it will not be expected by your lordships, that I should be able to confute the arguments of the noble duke, whose acknowledged superiority in the art of war, and the abilities which he has displayed in the administration of every province which he has undertaken, give him a claim to the highest deference.

But, my lords, as I cannot assume the province of disputing on this question, so I cannot, without longer consideration, form any resolution concerning it; for arguments may be fallacious, which yet I cannot confute, and to approve without knowledge is no less weak than to censure.

There is not any present necessity, my lords, of forming a resolution on this subject; we are not now called upon particularly to consider it, and certainly it cannot be prudent by so determinate a decision, pronounced without reflection or deliberation, to preclude a fuller examination of this important question.

Lord *Carteret*:

My lords; the noble duke who made the present motion has supported it by such strength of argument, and so fully explained the advantages of the method which it tends to recommend, that not only the present age, but posterity may probably be indebted to him, for juster notions of a military establishment than have been yet attained even by those whose profession obliges them to such enquiries.

Nor, my lords, could we expect less from his long experience and extensive capacity; experience gained in the heat of war and in the midst of danger; a capacity not only cultivated by solitary disquisitions in retirement and security, but exercised by difficulties and quickened by opposition.

Such abilities, my lords, matured by such an education, have justly made the noble duke the oracle of war, and procured him the esteem and reverence of all the powers upon earth.

As I did not receive from my education any military knowledge, I am not able to add much to the arguments which your lordships have already heard; but, nevertheless, having been under the necessity of regulating the army when I had the honour to be employed in Ireland, and having made in those countries where I transacted the business of the crown, some observations upon the different forms of military establishment, I hope I shall be allowed to offer what my experience or my remarks may suggest to me, in confirmation of the sentiments of the noble duke.

When I was in Ireland, my lords, the troops of that kingdom consisted of 21 regiments, of which ten were, as last year, brought into England, and the Irish forces were to be filled up by new levies, which were raised in the manner now proposed, by increasing every regiment from 340 to 600 men, so that the eleven regiments, remaining, composed a body of nearly the same number with the 21 regiments as formerly constituted.

Of the Swedish establishment, my lords, the reputation and success of their troops are an uncontrovertible vindication, and I have often had an opportunity of comparing the number of officers with that of ours, and found their private men to be far more numerous in proportion to the officers.

In Hanover, my lords, I have seen his majesty's troops remarkable for the elegance of their appearance, and being once asked by the commander, at what expence one of those gallant troopers and his horse was supported, was told, after confessing my ignorance, that he cost no more than fourteen pounds a year, who could not in this country be maintained for less than forty.

I believe, my lords, that the French forces are not more expensive than those of Hanover, and therefore we are by no means to imitate their establishment, for the price of provisions and habits of life do not admit of any diminution of the pay of either our officers or soldiers, and we can only lessen our expences by reducing their numbers, to which I shall for my part most willingly contribute.

But as this, my lords, is not the proper time for disbanding our forces, of which the present state of our affairs may perhaps demand an augmentation, it is necessary to compare the state of our forces with that of foreign troops, and supply, by prudent methods, the disadvantages to which we are subject by the peculiar condition of our country. For if the French can support an army at a fourth part of our expence, what must be the consequence of a war, supposing the wealth of the two nations nearly equal? It will be to little purpose that we boast, however justly, of the superiority of our troops; for though it should be granted that the

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British cannot be resisted by an equal number, yet it can never be expected that they should conquer troops four times as numerous as themselves.

Thus, my lords, it appears with all the evidence of arithmetical demonstration, that the method now proposed is highly expedient, nor can any objection, in my opinion, be made to the resolution offered to your lordships.

That this is not a proper time for this enquiry has been indeed urged; but surely no time can be more proper than when we may, by a Resolution unanimously passed, regulate, in some degree, the conduct of the other House, and hint to them the opinion of this assembly on a question which is perhaps to-morrow to be brought before them.

The Earl of *Cholmondeley:*

My lords; though I was once honoured with a command in the army, and consequently ought to have attained some military knowledge, yet I have so long resigned my commission, possessed it for so short a time, and have suffered my attention to be diverted from enquiries on that subject by employments of so different a kind, that I cannot presume to oppose any knowledge of my own to the reasons which have been offered; but I cannot think that the conclusions drawn by the noble duke, are so evidently true, as to force conviction, and exclude all possibility of reply; nor can I conceive it consistent with the dignity of this assembly, to yield implicitly to any man's assertions, or to pass any resolution without an accurate enquiry.

Some objections, my lords, arise upon reflection from my narrow observation and transient reading, and these I shall lay before your lordships, with an open acknowledgment of my insufficiency to discuss the question, and a sincere desire of being instructed where I may be mistaken.

The subordination of the army, my lords, appears to me in general to be sufficiently maintained, nor is it ever infringed but by particular partiality, that can never be prevented, or a casual difference in the circumstances of the officers, which, though not relative to the military characters, will always produce some degree of influence.

I know not, my lords, how the general regulation of our forces, and the distribution of military honours, can be condemned without extending some degree of censure to a person who ought not to be mentioned, as concurring in any measures injurious to the public. Our army, my lords, is maintained by the parliament, but commanded by the king, who has not either done, or directed any thing of which his people may justly complain—

The Duke of *Argyle:*

My lords; it is necessary to clear myself from misrepresentations, and to preserve at the same time the order of this House, by reminding the noble lord, that his majesty is never to be introduced into our debates, because he is never to be charged with wrong; and by declaring to your lordships, that I impute no part of the errors committed in the regulation of the army to his majesty, but to those ministers, whose duty it is to advise him, and whom the law condemns to answer for the consequences of their counsels.

The Earl of *Cholmondeley:*

My lords; if I misrepresented any assertion of the noble duke, it was by misapprehension, or failure of memory, and not by malice or design; and if in any other objections which I shall make, I shall fall into any error of the same kind, I desire that it may be ascribed to the same cause.

The ignorance and inexperience of our present officers have been exposed with great gaiety of imagination, and with the true spirit of satirical rhetoric, nor can I presume to support them against so formidable censures. But, my lords, I cannot discover any method of protracting the lives of our old officers beyond the usual term, nor of supplying the loss of those whom death takes away from the army, but by substituting others, who, as they have seen no wars, can have little experience.

With regard to the number of officers in the foreign troops, I have been informed, that they were by an express stipulation to be constituted in the same manner with the British and Dutch forces.

The Duke of *Argyle:*

My lords; as it was my province in the late war to superintend the payment of the foreign troops, I may be allowed to have some knowledge of the establishment, and hope I shall not be imagined to need any information on that subject.

The Earl of *Cholmondeley:*

My lords; I do not presume to dispute

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any assertion of the noble duke, for whose knowledge I have the highest veneration, but only to offer such hints for enquiry as may be pursued by other lords of greater abilities, and to shew, that as some difficulties may be raised, the Resolution ought not to be agreed to without farther deliberation; since it not only tends to prescribe the measures which shall be hereafter taken, and prohibit a method of raising forces, which when diligently examined, may perhaps appear most eligible, but to censure the methods, which, when they were put in practice the last year, received the approbation of the whole legislature.

The Earl of *Westmoreland*:

My lords; I have for my own satisfaction, stated the difference of the expence between the two methods of raising forces, and find it so great, that the method proposed by the noble duke, ought undoubtedly to be preferred, even though it were attended with some inconvenience, from which he has shewn it to be free.

Frugality, my lords, is one of the chief virtues of an administration; a virtue, without which, no government can be long supported; the public expence can never be too accurately computed, or the first tendency to profusion too rigorously opposed; for, as in private life, so in political œconomy, the demands of necessity are easily supplied; but if once the calls of wantonness and caprice are complied with, no limits can be fixed, nor will any treasure be sufficient.

Whether the burthens, under which the people are now toiling, were all imposed by necessity, I will not enquire; but I think, my lords, we may readily determine, that whatever is not necessary, is cruel and oppressive, and that therefore, since the expence of raising new regiments appears at least not to be necessary, it ought to be opposed; and how can it be opposed more properly or effectually, than by the noble duke's Resolution.

Lord *Hervey*:

My lords; I do not claim any superiority of knowledge in any affairs that relate to the public, but have less acquaintance with the military establishment, than with any other part of the government, and can therefore neither oppose the Resolution now offered to your lordships by such arguments as may deserve your attention, nor agree to it with that degree of conviction, which the importance of it seems to require.

That the chief argument which has been produced against raising new regiments, is less formidable than it has been represented, will, I believe, appear to your lordships, when it is considered, that the officers are always gentlemen of the first families in the kingdom, who, therefore, cannot be supposed voluntarily to give up their relations and posterity to the power of any ministry, or for the sake of their commissions, to betray that constitution by which their own properties are secured.

Whether every other argument may not with equal justice be controverted, is not, without longer consideration, possible to be determined, and therefore it cannot be reasonably expected, that we should agree to the Resolution, which would be only to decide without examination, and to determine what we do not understand; for I am under no apprehension of being imagined to reflect unjustly on this House, in supposing that many of your lordships may be strangers to the question, which, when the last levies were made, was neither discussed nor proposed.

I therefore move, That the previous question may be put, which may perhaps gain time sufficient for a more exact enquiry upon this important subject.

Lord *Talbot*:

My lords; if in imitation of some noble lords, I profess my ignorance of the subject on which I am to speak, may it not yet be allowed me, after the example of others, to employ the little knowledge which I have, in the defence of a Resolution, which appears to have no other tendency, than the advantage of the public, and to shew my zeal for the happiness of my country, though perhaps without the true knowledge of its interest?

The noble lord, who spoke last, is too great a master of eloquence, not to be heard with all the attention which pleasure naturally produces, and a reasoner too formidable not to raise in his hearers all the anxiety, which is produced by the fear of being deceived by partial representations, and artful deductions. I am always afraid, my lords, lest error should appear too much like truth, in the ornaments which his lordship's imagination may bestow, and lest sophistry should dazzle my understanding whilst I imagine myself only guided by the light of reason.

I shall therefore endeavour, my lords,

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to review his ornaments, and try whether they owe their influence to the force of truth, or to that of eloquence.

His lordship has observed, that the objections which are now made to the method of raising new regiments, were not produced last year upon a like occasion. I know not, indeed, what can be inferred from this assertion; for surely it will not maintain, that an error once admitted is to become perpetual.

But, my lords, another reason may be assigned, for which the objections that occurred last year might not be produced. The ministry, after a long course of disgraceful negociations, and artful delays, were at length compelled to a war, by the general clamours of the whole nation; but they acted as men unwilling to execute what they did not approve. They proceeded so slowly in their preparations, and were so languid in all their motions, that it was evident how willingly they would have improved every opportunity of retarding the vengeance which they were forced to threaten; and with what artifices they would have protracted any delay, which they could have imputed to those by whom they were opposed. It was, therefore, to the last degree improper to embarrass their measures, of themselves sufficiently perplexed, or to lay any obstacle in the way of those who would gladly be stopped.

That the army is filled with gentlemen, is so far, my lords, from proving that there is nothing to be feared from it, that it is the only foundation of all our solicitude. For none but gentlemen can injure our liberties, and while the posts of the army are bestowed as rewards of parliamentary slavery, gentlemen will always be found, who will be corrupted themselves, and can corrupt a borough; who will purchase a vote in the House, and sell it for military preferments. By the posts of the army the parliament may be corrupted, and by the corruption of the parliament, the army be perpetuated.

Those, my lords, who are the warmest opponents of the army, apprehend not any danger from their swords, but from their votes. As they have been of late regulated without discipline or subordination, I should not feel much anxiety at seeing them led on by their new commanders against a body of honest ploughmen united in the cause of virtue and of liberty; I should with great alacrity draw my sword against them, and should not doubt of seeing them in a short time heaped upon our fields.

But, my lords, they are employed to ruin us by a more slow and silent method; they are directed to influence their relations in the parliament, and to suborn the voters in our small towns; they are dispersed over the nation to instill dependence, and being enslaved themselves, willingly undertake the propagation of slavery.

That the army is instrumental in extending the influence of the ministry to the parliament, cannot be denied, when military preferments are held no longer, than while he that possesses them, gives a sanction by his vote to the measures of the court; when no degree of merit is sufficient to balance a single act of parliamentary opposition, and when the nation is rather to be left to the defence of boys, than the minister be suspected of misconduct.

Could either bravery or knowledge, reputation or past services, known fidelity to his majesty, or the most conspicuous capacity for high trust, have secured any man in the enjoyment of his post, the noble duke who made the motion had carried his command to the grave, nor had the nation now been deprived either of his arms, or of his counsels.

But, as he has now offered his advice to his country, and supported his opinion with proofs from reason and experience, which even those who oppose them have confessed themselves unable to answer; as the justness of his reasoning, and the extent of his knowledge, have silenced those whose prejudices will not suffer them to own themselves convinced; let us not, my lords, reject what we cannot condemn, nor suffer our country to be defrauded of the advantage of this resolution, by that low parliamentary craft, the previous question.

The *Lord Chancellor:*

My lords; I am far from suspecting that an open profession of my inability to examine the question before us, in its full extent, will be imputed to an affectation of modesty, since any knowledge of military affairs could not be acquired in those stations in which I have been placed, or by those studies in which the greatest part of my life is known to have been spent.

It will not be expected, my lords, that I should attempt a formal confutation of the noble duke's positions, or that I should be able to defend my own opinion against his knowledge and experience; nor would

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I, my lords, expose myself to the censure of having harangued upon war in the presence of Hannibal.

The noble duke has explained his sentiments to your lordships with the utmost accuracy of method, and the most instructive perspicuity of language; he has enforced them with a strength of reasoning rarely to be found, and with an extent of knowledge peculiar to himself. Yet, my lords, as his arguments, however powerful in themselves, do not strike me with the same force with which others may be affected, who are more capable of receiving them, I hope that your lordships will allow me to mention such objections as occur to me, that in voting on this question I may at least preserve my conscience from violation, and neither adopt the opinion of another, however great, without examination, nor obstinately reject the means of conviction.

Every lord who has spoken, either in support of the noble duke's opinion, or in opposition to it, has confessed that he is very little acquainted with the subject of our debate; and it may not therefore be an improper or useless attempt, if I endeavour by objections, however injudicious, or by arguments however inconclusive, to procure some illustration of a question, so important, and at the same time so little understood.

The objections, my lords, which I shall produce, are such as I have heard in conversation with those whose long acquaintance with military employments, give them a just claim to authority in all questions which relate to the art of war; among whom I find no uniformity of opinion with regard to the most proper method of augmenting our forces. And, my lords, when we observe those to differ in their sentiments, whose education, experience, and opportunities of knowledge have been nearly the same, and who have all obtained a very great degree of reputation in their profession, what can be inferred, but that the question is, in its own nature, obscure and difficult? that it involves a multitude of relations, and is diffused through a great variety of circumstances? and that therefore it is prudent for every man, who can judge only upon the authority of others, to suspend his opinion?

The chief argument, or that at least which impressed itself most strongly on my mind, against any innovation in our military constitution, was drawn from the success of our armies in their present form, with that proportion of soldiers and officers, which the present motion tends to abolish. Our forces, say the advocates for the present establishment, have afforded us a sufficient testimony of the propriety of their regulation, by their frequent victories over troops, whose discipline has been studied with the utmost vigilance, and which have been trained up to war with a degree of attention not disproportioned to the mighty design for which they were raised, the subjection of the world, and attainment of universal monarchy. These troops, who have been taught, almost from their infancy, that cowardice and flight are the greatest crimes, and persuaded by national prejudices, and principles studiously instilled, that no foreign forces could withstand them; have fled before equal numbers of Britons, and been driven from one province to another, till, instead of grasping at general dominion, they were reduced to defend their wives and children.

How much of this success was to be ascribed to that part of the regulation which this motion proposes to be changed, it is not, my lords, within my province to determine; the great commander whom I have the honour to oppose, can best explain to your lordships the province of every officer in the field, and how far the number of inferior officers may influence the success of a battle, and the fate of a kingdom.

But to me, my lords, the establishment of our armies comprising different views, and connecting various subordinate regulations, may be compared to a medicine composed of different ingredients, and found infallibly efficacious in a dangerous disease, in which, though some of the parts may seem, to physicians of the profoundest learning, superfluous or improper, it would be no less than the folly of preferring experiments to life, to make any alteration.

The wantonness of innovation, my lords, is a dangerous disease of the mind; in a private station, it prompts men to be always discontented with what they find, and to lose the enjoyment of good in search of something better; it incites them to leave the safe and beaten tracks of life, in search of those which they imagine nearer, but which are at best less secure, and which generally lead them to points far different from that to which they originally intended to direct their course.

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It is dangerous, my lords, to admit any alteration which is not absolutely necessary, for one innovation makes way for another. The parts of a constitution, like a complicated machine, are fitted to each other, nor can one be changed without changing that which corresponds to it. This necessity is not always foreseen, but when discovered by experience, is generally complied with; for every man is more inclined to hazard further changes, than to confess himself mistaken by retracting his scheme. Thus, my lords, one change introduces another, till the original constitution is entirely destroyed.

By the ambition of innovation, my lords, have almost all those empires been destroyed of which nothing now is left but the memory. Every human establishment has its advantages and its inconveniencies, and by weak attempts to remedy these defects, which notwithstanding the utmost attention will embarrass the machine of government, alterations have been introduced which have been quickly followed by a total dissolution.

There seem, my lords, to be few regulations on which it is more dangerous to make experiments than on that of the armies of a nation. We are sufficiently convinced how much of success is the consequence of courage, and that courage is only an opinion of our own superiority, arising from certain circumstances, either imaginary or real.

The courage which at present animates our forces, arises, my lords, from a very proper ground, their former victories over the enemies, which they are now to combat, and will therefore, doubtless, continue while they can consider themselves as enjoying the same advantage with those particular men by whom the victories were obtained. But, my lords, if any essential part of their establishment be changed, they will be considered, both by themselves and their enemies, as a different army, they will then charge with less alacrity, and be opposed with less dejection; they will consider themselves as fighting without that certainty of success which arises from experience, and their enemies will resolve to try, by an obstinate resistance, whether they are now equally formidable as in their former state.

Thus, my lords, I have attempted, however weakly, to represent the arguments which I have heard for the continuance of the establishment, of which your lordships will examine the validity, and shall now proceed to consider the noble duke's system of a military subordination in time of peace.

Whether a standing army, in time of peace, is made necessary by the change of conduct in foreign courts, it is now useless to enquire, but it will be easily granted by your lordships, that no motive but necessity, necessity absolute and inevitable, ought to influence us to support a standing body of regular forces, which have always been accounted dangerous, and generally found destructive to a free people.

The chief reason, my lords, of the danger arising from a standing army, may be ascribed to the circumstances by which men, subject to military laws, are distinguished from other members of the same community: They are, by the nature of martial government, exposed to punishments which other men never incur, and tried by forms of a different and more rigorous kind than those which are practised by the civil power. They are, if not exempted from the jurisdiction of the magistrate, yet subject to another authority which they see more frequently and more severely exerted, and which, therefore, they fear and reverence in a higher degree. They, by entering into the army, lay aside for the most part all prospect of advantage from commerce or civil employments, and in a few years neither fear nor hope any thing but from the favour or displeasure of their own officers.

For these, my lords, or for other reasons, the soldiers have always been inclined to consider themselves as a body distinct from the rest of the community, and independent on it, a government regulated by their own laws, without regard to the general constitution of their country; they have therefore been ready to subvert the constitution from which they received little advantage, and to oppress the civil magistrates for whom they had lost their reverence.

And how soon, my lords, might such outrages be expected from an army formed after the model of the noble duke, released from the common obligations of society, disunited from the bulk of the nation, directed solely by their own officers, and ultimately commanded by a man who had the right of commanding no other? Would they not soon consider themselves as a separate community, whose interests were, no less than their laws, peculiar to themselves? Would they not consider him

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from whom they received all their rewards and all their punishments, as the proper object of their supreme regard, and endeavour to exalt him to the same dominion over others, which he enjoyed in regard to themselves; that they might share in his superiority?

A body of men, my lords, thus separated from the rest of the people, must consider themselves as either ennobled or degraded by such distinction, and would soon find themselves inclined to use the power of their arms, either in the exertion of their privileges, or the revenge of their disgrace. Then, my lords, would they set at defiance the laws of the nation, nor would one of these noble lords be able to disband, nor the other to resist them.

The army, my lords, is, in time of peace, then best regulated when it is kept under the strictest subordination to the civil power, that power which it is instituted to protect and to preserve.

Thus, my lords, have I examined the proposal and reasons of the noble duke, perhaps not much to the information of your lordships; but it cannot be expected that any capacity should be able, in an unexpected and sudden debate, to dispute on a subject, which the noble duke's education gave him particular opportunities of understanding far beyond almost every other man, and which he has had time to consider with respect to this present motion.

For this reason, my lords, I cannot but think the previous question highly expedient, but not for this reason alone; for as the state of the army and the proper methods of augmenting it, are soon to be examined by the other House, to prejudice their determinations may raise a contest about privileges, and oblige us either to persist, for our own honour, in opposition to measures necessary to the security of the public, or in compliance with the present exigence, accept their scheme however opposite to our own resolutions.

Lord *Carteret*:

My lords; the known abilities of that noble lord, incline me always to hear him with uncommon expectation and attention, which seldom fail to be rewarded by such pleasure and information as few other men are able to afford. But his observations on the question before us, my lords, have only convinced me, that the greatest abilities may be sometimes betrayed into error, and the most candid disposition be vitiated by accidental prejudices. For his own arguments neither appear just, nor his representation impartial, of those advanced in favour of the motion.

With regard to the number of officers necessary in time of war, his lordship asserted nothing from his own knowledge, nor do I believe that any other lord will imagine himself qualified to dispute with the noble duke upon questions purely military. His experience entitles him to the highest authority, in debates of this kind; and if every man has a claim to credit in his own profession, surely, he who has given evidence of his proficiency in the art of war in the eyes of the whole world, will not be denied in this House, that superiority which would readily be allowed him in any other part of the universe.

And yet less, my lords, can it be suspected that he intends to deceive us, than that he can be deceived himself: for not only his probity, his love of his country, and his fidelity to the crown, concur to secure him from any temptations to make an ill use of his credit; but his own interest obliges him to offer that scheme for the regulation of our forces, which in his own opinion will most certainly contribute to their success. For it is not to be doubted, my lords, that when we shall be engaged in war too far for negociations and conventions, when we shall be surrounded by enemies, and terrified at the near approach of danger, he will be called upon to lead our armies to battle; and attack once more those enemies that have fled so often before him.

Then, my lords, if he has contributed to form a weak plan of our military constitution, must he atone for it with the loss of his reputation; that reputation, for which he has undergone so many fatigues and been exposed to so many dangers.

But, my lords, it is ridiculous to suspect where nothing appears to provoke suspicion, and I am very far from imagining, that the dangers of innovation, however artfully magnified, or the apprehensions of the soldiers, however rhetorically represented, will be thought of any weight.

The establishment of the army, my lords, is an innovation, and, as the noble lord has justly represented it, an innovation that threatens nothing less than the destruction of our liberties, and the dissolution of our government. Our vigilance ought therefore, to be very anxiously employed in regulating this new part of our

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government, and adapting it in such a manner to the national constitution, that no detriment may arise from it, and that our civil rights may be protected, not oppressed, by the military power.

To this purpose, says the noble lord, the soldiers are to be restrained by a due subordination to the magistrate, a position undoubtedly true, but now superfluously urged. For it was never controverted by the noble person whose opinion he intended to oppose.

Should any man assert, my lords, that the army ought to be formed into a distinct and independent society, which should receive laws only from a council of war, and have no other governor than their officers, none should oppose such an assertion with more ardour or constancy than myself, but what was never advanced it is unnecessary to confute.

Yet, my lords, to obviate those dangers from the army which have been so strongly and justly represented, it is necessary, not only that a legal subordination to the civil authority be firmly established, but that a personal dependance on the ministry be taken away.

How readily men learn to reverence and obey those on whom their fortunes depend, has been already shewn by the noble lord, and therefore it will follow, that a minister, who distributes preferments at his pleasure, may acquire such an influence in the army, as may be employed to secure himself from justice by the destruction of liberty. And unless it can be proved that no such minister can ever exist; that corruption, ambition, and perfidy, have place only in the military race; every argument that shews the danger of an army dependent only on the general, will shew the danger likewise of one dependent only on the minister.

The influence of the minister, my lords, is known to arise from the number of the officers, and to be proportioned to the value of the preferment, which it is in his power to bestow; it is therefore evident, by adding new officers to our army, we shall throw weight into the scale, which already is, at least, an equal balance to our constitution, and enable the ministry either to employ an army in defence of their measures, or to obtain such an influence in the parliament as shall make any other security superfluous.

Such, my lords, is the danger of a multitude of officers, a danger which surely deserves more attention, than the imaginary prejudice of the soldiers in favour of the present establishment; a prejudice represented so powerful both in our own forces, and those of our enemies, that the future success of our arms may probably depend upon it.

Surely, my lords, that cause may be allowed indefensible which such a patron defends so weakly. What can be more chimerical than to imagine that men would lay down their arms, and forsake their standards, because there are twenty more in a company than have formerly been? That such a panic from such a cause was never found, I need not prove, and I scarce think it necessary to assert, that without supposing a universal depravity of reason it never can be found.

The establishment proposed by the noble duke, is the same with that of most foreign troops, and particularly with that of his majesty's forces in his foreign dominions, and therefore, cannot but be approved by him, if it should be proposed by your lordships. For why should he imagine a greater number of officers necessary to the troops of Great Britain, than to those of any other nation?

The expediency of the motion, my lords, is in my opinion so obvious and incontestible, as to require no farther consideration, and therefore it is no argument against it, that we were not previously informed of the question.

Much less, my lords, can I discover the force of the assertion, that by such a resolution we shall excite the displeasure of the other House; we have, my lords, at least an equal right with them to examine any position relating to the public security, a right which we may exert with less danger of disgusting them, while they have yet formed no determination, and with less danger to the nation, than when their opinion, whatever it may be, cannot be controverted without retarding the important bill against mutiny.

We are never offended, my lords, at receiving the opinions of the other House, which we often adopt without any alteration, and often made use of for our own instruction, and now are become so contemptible as that no regard should be paid by them to our resolutions.

It is well known, my lords, that this assembly is an essential and constituent part of the legislature of this kingdom; and that we received from our ancestors a great extent of power, which it ought to be our care not to suffer to be contracted

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by degrees, till this assembly shall become merely formal, and fit only to ratify implicitly the determinations of the other House.

Several other lords spoke in the debate, and the previous question being put, upon a division it passed in the negative. Content 42. Not content 59.

Protest on rejecting the Resolution against augmenting the Army by Regiments.] On this occasion the following Protest was entered:

"Dissentient.

1. "Because we conceive, that this motion ought not to have been laid aside by the previous question, the arguments urged in the debate against our coming to this Resolution at this time, being, in our opinion, highly insufficient; since we cannot apprehend what further lights could be had with relation to the several propositions contained in the question, than those we received in the debate, authorized by the usage of almost all the nations in Europe; nor were there any particular papers pointed out, as necessary for the information of the House; and we thought this the properest time to come to this Resolution, before any steps were taken as to the method of making the intended Augmentation.

2. "Because it was proved in the debate, and universally admitted, that the Augmentation of our Land forces, by the raising of new corps, was by near one third a more expensive manner of augmenting, than by additional men to companies. A consideration which, in our opinion, ought to have the greatest weight, at this time, when the nation is engaged in a new war, and still groaning under all the burthen of the last, though after thirty years' peace.

3. "Because, considering that the œconomy of augmenting the forces by additional men to companies, was admitted, that the utility of it was not disproved, we cannot help suspecting, that the raising of new corps at this time, when the election of a new parliament draws so near, may be of a dangerous tendency to the constitution of this kingdom, and relate more to civil than military service, especially since there are now no officers to be found (the officers now remaining upon half pay, having been already judged, by the administration, unfit for service) it is, in our opinion, opening a door to introduce a large body of commissioned pensioners. These suspicions are strengthened by the experience we have had, that no rank has been either above, or below ministerial resentment, and the severity of parliamentary discipline; and we must with concern observe, that the honour of the nation, and the fate of this important war, has been entrusted to raw and new levied troops, in order, as we apprehend, to keep the others at home, only for civil purposes.——

(Signed.) Westmoreland, Northampton, Shaftsbury, Suffolk, Abington, Chesterfield, Halifax, Carlisle, Willoughby de Brooke, Oxford, Greenwich, Bathurst, Cobham, Middleton, Gower, Bridgwater, Hereford, Bristol, Litchfield, Thanet, Berkshire, Aylesford, Talbot, Haversham."

*Debate in the Commons on the Augmentation of the Army by New Regiments.**] December 10. The House having resolved itself into a committee of supply,† sir

* This important Debate (compiled by Dr. Johnson) is taken from the Gentleman's Magazine, in which publication it was not given until December 1742. It was afterwards copied into the Appendix to Chandler's Debates for the year 1742, and thereby appears to have escaped the vigilance of Mr. Coxe; as will be seen by the following extract from his Memoirs of lord Walpole, vol. 2, p. 2, Edit. 1808.

"In this situation of affairs, it became a matter of necessity as well as policy for Great Britain to augment her forces; the standing army was accordingly increased to 51,515 effective men, exclusive of the Irish establishment. But this augmentation was censured with great acrimony, and an Address against the measure moved in the House of Lords, which was negatived only by 67 against 49.

"The question was agitated in the House of Commons with equal acrimony; but *no speech on either side appears in the Debates*, excepting that of lord Gage, which however is sufficient to shew the temper of the times, when this necessary measure for the defence of the country, was represented as an attempt to enslave the people."

† "December 22, 1740. The debate, your oracle mentioned, was upon the subject of the Army, in a committee. The point disputed chiefly was the method of raising the new forces; the most advantageous manner of doing which, it was insisted, would be by enlarging the companies, and not raising new regiments: not but that some gentlemen in the debate declared they thought the present number was sufficient. The duke of Argyle, in the other House, had the day before abruptly opened the same question; and after dis-

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William Yonge, Secretary at War, moved, "That the Estimate of the Charge of seven new regiments of foot, amounting to 5,705 men; also the Estimate of the charge of four new regiments of marine, amounting to 4,620 men, be referred to the said committee. Upon this Resolution, a debate took place in the committee; and another on the following day, when the Resolutions of the committee were reported to the House. As in these two debates the arguments were the same, they are here thrown into one.

Sir *William Yonge* opened the debate as follows:

Sir; as this Estimate has been drawn up after very accurate calculations and careful enquiries, I hope that no objections will be raised against it, and that the sum

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playing a great deal of military history, concluded in the same opinion, which ended in a motion for a resolution of that House, according to that opinion. The soldiers of that House did not undertake to clear up the matter, in opposition to his grace's assertions; but the civil lords, duke of Newcastle, lord Chancellor, and lord Cholmondeley, managed the debate on this foot: that they were assured the gentlemen of the army were much divided in their opinions on the point, and therefore it would be improper for that House, by a vote, to determine the method of increasing the army: so a previous question was put, and the negative carried by a majority of 24 or 25.

"In the committee of the House of Commons, on Wednesday, general Wade took upon him, as a soldier, to argue the point; and from the conduct of king William and the duke of Marlborough, as well as his own arguments, gave a good deal of satisfaction. There was, however, a division of 252 against 197. Mr. Pulteney and sir R. both reserved themselves for the next day; when, upon the report of the resolution of the committee, there arose another debate; and there being fewer in the House that day, the Resolution was agreed to by above 60 majority. In these debates, as in all other strong ones, there must, as you may suppose, be some invidious things thrown out; but in the main, I apprehend it was decent enough. The great Dodington opened the opposition with a very unequal speech. We suppose now the heat of the session is over. It is expected the Place Bill will be proposed, but not opposed in the lower House." John Orlebar to the Rev. H. Etough. Coxe's Memoirs of sir Robert Walpole: Correspondence, vol. 3, p. 558.

Mr. Horace Walpole took an active share in this Debate. In the Walpole Papers, Mr. Coxe has given the public the following Abstract of his Speech:

"After stating the obligations of England to support the indivisibility of the Austrian succession, as well in consequence of the barrier treaty, and the guaranty of the pragmatic sanction, as from the policy of preserving such a bulwark against the preponderant power of France, he observed; "The emperor is since dead; his dominions, pursuant to the pragmatic sanction, are devolved upon his eldest daughter, who has, in consequence, the titles of queen of Hungary and Bohemia. She has indeed at present no disturbance in her possession of the whole succession; the *casus fœderis* for our assistance does not exist, but nobody knows how soon it may exist. France has declared, in general terms, that she will stand by her engagements; but the elector of Bavaria, ever devoted to the will of France, has laid a claim to all the dominions of that house; and although his first pretended title to that succession has been proved groundless, he still continues to insist upon his pretensions for other reasons. And not only he, but the electors Palatin and Cologne, have refused to recognise the archduchess, and consequently there is a foundation laid for disturbance; for it is hardly possible to imagine, that the elector of Bavaria would persevere in his claims, if he did not flatter himself with the hopes of some greater support than his two relations, the electors, in opposition to all the rest of the Germanic body. I heartily wish that he may be disappointed; but surely, from the gloomy appearances of a war in those parts, common prudence requires his majesty to have in readiness, upon a sudden emergency, a body of troops to answer his engagements. By the treaty of succession and barrier, his quota is 10,000 men; by that for guarantying the pragmatic sanction, 8,000 foot and 4,000 horse. The king has already 6,000 Danes, and 6,000 Hessians; but should the war break out on the continent, upon so dangerous a principle as that of dividing the Austrian dominions, that number would by no means be sufficient to answer the quota which his majesty would be obliged to furnish."

He then urged the imprudence of relying on the pacific declarations of France, that she would not disturb the tranquillity of Germany, when she had already dispatched two fleets to thwart our operations in the West Indies, which would probably occasion a war in Europe, and might lead to the invasion of this country. "France," he said, "has already experienced the danger and risk of executing her views on the side of Flanders; but an immediate attempt upon these dominions, has never, or indeed but faintly been tried; and our enemy will measure the prospect of their success, by the condition we are in to resist them. In the last great wars, the numbers of our British forces were considerable, and the greatest part of them employed abroad, because the efforts of our enemies were made in foreign parts. We had not

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necessary for raising the New Regiments will be very readily granted by that House, which voted the war necessary for which they are designed.

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then in Great Britain above 9,000 men, and the French nothing but their militia upon their own coasts. At the same time our fleets, manned with 40 or 50,000 men, were within our sight and call. Besides the cruisers and convoys to protect our trade in the West Indies, we never before had a considerable squadron there; at present the royal navy may be said to be employed in America, a thing unknown till now. Does not, therefore, the nature of this war, (should a neighbouring power come to an open rupture with us,) require a disposition of our forces different from former wars, when the whole scene of action was confined to the operations by land, and our fleet might be employed in defending our coast?"

He adverted to the facility with which France could collect a number of men and ships, and transport them to England, before we could draw together a sufficient marine to oppose their attempts, particularly if supported by Spain, who had at the beginning of the war assembled 7,000 men on the coast of Galicia, for an expedition against Great Britain. "But supposing," he concluded, "we could flatter ourselves that a rupture might be chiefly confined to operations in the West Indies, will not those regiments and seamen now proposed be absolutely necessary in all events? It must be several months before they be raised: in the mean time those already sent to the West Indies must, by the course of things and the climate, be extremely diminished, and want to be recruited; and can it be done any other way than by employing these troops, or making draughts from others for those services? So that without an augmentation our present undertaking must be immediately stopt, or this country exposed to the most imminent danger. Indeed, all things considered, with regard to the state of affairs in Europe, and more particularly with regard to the situation of this country as to the war in which we are already engaged, as well as that which seems to threaten us from a more formidable power, common prudence would rather call upon us for a greater augmentation than this now proposed, and that on account of the defence and security of this government, which ought to be our first and principal care. Because, although foreign troops may be had cheaper than these, and would be more eligible, if the present motions and views of others made it most likely that the troubles would begin abroad; yet surely when what we chiefly apprehend at this time is what immediately regards the welfare of this country, our own national troops are most proper to defend ourselves." See Coxe's Memoirs of lord Walpole, vol. 2, p. 3, Edit. 1808.

I hope it will be admitted as some proof of frugality, that this estimate requires less money than one that was laid before the parliament in the reign of king William; for if it be considered, that since that time the necessaries of life are become dearer, and that, therefore, all expences are encreased, it will appear to be the effect of the exactest œconomy, that the sum required for the same service is less.

I have heard indeed, Sir, that in conversation, the method of raising troops on this occasion has been censured as improper, and that in the opinion of some, whose judgment cannot be entirely disregarded, it would be more reasonable to add more men to our regiments already established, than to raise new regiments with new officers.

The chief argument, Sir, produced in support of their method of Augmentation, is drawn from the necessity of public frugality, a very popular topic, which never fails to produce favour and attention; for every man is naturally inclined to hear his friend, and to consider that man as performing the office of friendship, who proposes methods of alleviating his taxes.

Frugality is undoubtedly a virtue very necessary to the happiness of the nation, and such as there occur frequent occasions of inculcating to those who are intrusted with the superintendence of public disbursements, but, I am far from thinking that this estimate affords any opportunity for declamations of this kind, and am of opinion that the addition of new soldiers to each regiment, would, in reality, be more expensive.

It cannot be denied, Sir, that by augmenting the regiments, there would be immediately saved to the public the expence of the officers which are necessary in the method now proposed; but it is to be considered how much the number of officers contributes to the regularity and discipline of the troops, and how much discipline and order promote their success. It is to be considered, Sir, that the most successful method of making war is undoubtedly the cheapest, and that nothing is more expensive than defeats.

If by raising the same number of men under fewer officers, we should give our enemies any advantage; if a single party should be cut off, a garrison forced, an expedition rendered fruitless, or the war protracted but a few months, where will be the advantage of this admired frugality? What would be the consequence, but the

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same or a greater expence, not to gain advantages, but to repair losses, and obviate the effects of our former parsimony?

In private life, Sir, it is common for men to involve themselves in expence only by avoiding it, to repair houses at greater charges than new ones might be built, and to pay interest rather than the debt. Weak minds are frighted at the mention of extraordinary efforts, and decline large expences, though security and future affluence may be purchased by them; as tender bodies shrink from severe operations, though they are the certain methods of restoring health and vigour. The effects of this timidity are the same in both cases, the estate is impaired insensibly, and the body languishes by degrees, till no remedy can be applied.

Such examples, Sir, are frequent, and the folly of imitating them is therefore greater, for who would pursue that track by which he has seen others led to destruction? Nor need we search for remote illustrations to discover the destructive tendency of unseasonable tenderness for the public, for I believe the whole history of the wars of king William will prove, that too close an attention to parsimony is inconsistent with great achievements.

It may be expected that I, who cannot claim any regard in this disquisition from my own experience, should produce some decisive evidence in favour of the method which I have taken upon me to defend; this expectation I shall endeavour to satisfy by alledging the authority of the greatest commander of latter ages, whom neither his friends nor his enemies will deny to have been well versed in these subjects, and whose success is a sufficient proof of the soundness of his principles.

The illustrious duke of Marlborough was of opinion, that the whole force of the French armies consisted in the number of the officers, and that to be always equal to them in the field, it was necessary to form our troops nearly upon the same plan; to this scheme he conformed in his practice of war, and how much his practice confirmed his opinion, let Blenheim and Ramilies attest.

As I pretend not to have determined myself on this question, otherwise than by authority, and as I know not any authority equal to that of the duke of Marlborough, I cannot discharge the trust reposed in me by my country, any otherwise than by proposing, that on this occasion we agree to grant to his majesty the sum calculated for raising the new regiments, as I believe that method of augmentation most likely to produce success in our undertakings, and consequently to procure a speedy conclusion of the war.

Mr. *Pulteney:*

Sir; I have been so long accustomed to the debates of this House, and have so often attended to the eloquence of the right honourable gentleman, that I am never startled at paradoxes, nor shocked at absurdities. I can now hear with great tranquillity an harangue upon the necessity of placemen in this House, upon the usefulness of standing armies, and the happiness of a general excise.

I am no longer offended with facts quoted in opposition to history, nor with calculations drawn up without regard to the rules of arithmetic; I know that there are persons in this House, who think themselves obliged to speak even when in their own opinion nothing can be said with weight or with propriety, who come hither prepared against the shame of confutation, and determined not to be convinced.

To reason with such men, Sir, is indeed no pleasing task, it is to fight with enchanted heroes upon whom the common weapons of argument have no effect, and who must be softened by a counter-charm before they can be attacked with any prospect of success.

There are some, however, of whom I am willing to believe that they dispute only for truth, and enquire with the view of attaining a solution of their doubts. For the sake of these, Sir, I think it necessary to declare my sentiments, as I shall be desirous, in my turn, to hear their sentiments; but with regard to those whose opinion I know already by their posts, I should think it of great advantage to the dispatch of public affairs, if they would content themselves with voting for their pay, without any ambition of other service, or adding the praise of volubility to that of steadiness.

Having this opportunity, Sir, of declaring my opinion of the measures pursued in regulating our military preparations, I shall not confine myself entirely to the present question, but lay before the House my thoughts upon some parts of the establishment, which may perhaps require a reform, and which are at least proper objects of consideration, though not abso-

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lutely necessary to the determination of our opinion upon the present motion.

I have long ago, Sir, declared, what therefore it is scarcely of any use to repeat, that I know not any advantage to be hoped from a standing army, nor can discover why the ablest and most vigorous of the inhabitants of this kingdom should be seduced from the loom, the anvil, and the plough, only to live at ease upon the labour of industry, only to insult their landlords, and rob the farmers. I never could find why any body of men should be exempt from the common labour of social duties, or why they should be supported by a community, who contribute neither to its honour nor its defence.

I doubt not, Sir, but I shall hear on this occasion of the service of our troops in the suppression of riots; we shall be told, by the next pompous orator who shall rise up in defence of the army, that they have often dispersed the smugglers, that the colliers have been driven down by the terror of their appearance to their subterraneous fortifications, that the weavers, in the midst of that rage which hunger and oppression excited, fled at their approach; that they have at our markets bravely regulated the price of butter, and sometimes, in the utmost exertion of heroic fury, broken those eggs which they were not suffered to purchase at their own terms.

Some one perhaps of more penetration may inform us of the use which has been made of them at elections, where the surly burgesses have been sometimes blind to the merit of those worthy gentlemen, whom the soldiers have known how to esteem according to their desert; nor indeed do I see how those can refuse their votes in favour of our troops, who are indebted for the power of giving them, to their kind interposition.

To these arguments, Sir, I shall content myself with answering, that those, who are versed in the history of Britain, know, that we have had colliers and weavers for many years before a standing army was heard of among us, and that it is, nevertheless, no where recorded that any of our kings were deposed by those formidable bodies of men, or that any remarkable changes were made by them in the form of our government; and, therefore, till some reason shall be alledged, why such insurrections are now more dangerous, and our civil magistrates more impotent than in former ages, I humbly conceive that even without the protection of a standing army we might yet sleep in security, notwithstanding the plots of the colliers and the combinations of the weavers.

But I must own, Sir, these are not our only enemies, for there is somewhere, yet in existence, a person that lays claim to the dominion of these kingdoms, and pleads an hereditary title to dispose of our wealth, to subvert our liberties and destroy our religion.

If any foreigner, Sir, unacquainted with our affairs, were to be present at our debates, and hear with what ardour we animate each other to an obstinate resistance of this Pretender to the throne, how often he is represented as hovering over us, and how often we have caught a general panic, and imagined ourselves upon the verge of destruction, how often our most zealous patriots take opportunities of declaring their resolution to die in the defence of their liberties, and how pathetically our most elegant declaimers have expatiated on the misery of that unhappy race whom they should leave behind to groan under the oppression of absolute power, what would be his opinion of this Pretender, whom he saw so perpetually dreaded, against whom so many alliances were formed, so many armies were levied, and so many navies equipped?

Would he not believe him to be some formidable tyrant in a neighbouring country, the lord of wide dominions, and the master of numerous armies and powerful fleets? Would he not imagine that he could assemble half the continent at his call, that he was supported by powerful alliances, and that nothing but a fair wind was required to land him on our coasts at the head of millions? And would he not, even on that supposition, be inclined to censure us as timorous, as somewhat regardless of the honour of our nation, and condemn us for giving way to such suspicions and exclamations as have a natural tendency to heighten the apprehension of danger, and depress the spirits of the people?

But what would be his conclusion, Sir, when he should be told, what in reality is true, that this dreadful Pretender is an unhappy fugitive, driven in his infancy from this country, and by consequence without any personal interest; that he is supported by the charity of a prince whose name is hated almost by every inhabitant of the kingdom that he has neither sove-

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reignty, nor money, nor alliances, nor reputation in war, nor skill in policy; that all his actions are watched by British spies; and that the few friends that remain to support the farce of a court, are such only as dare not return to their native country, and are therefore without fortune, and without dependants?

What could a wise man conceive of a nation held in continual alarms by an enemy like this; of a nation always watchful against an invasion from a man who has neither dominions to supply, nor money to hire a single regiment; from a man whose title all the neighbouring princes disown, and who is at such a distance from them, that he cannot be assisted by them without open preparations, of which we cannot fail of having intelligence, and which may be defeated, without danger, by the vessels regularly stationed on our coasts?

Would not any stranger imagine, Sir, that we were a nation infected with a general frenzy, that cowardice had perverted our imaginations, filled us with apprehensions of impossible invasions, raised phantoms before our eyes, and distracted us with wild ideas of slavery and tyranny, oppression and persecution?

I have dwelt thus long on this point, because I know the Pretender is the last refuge of those who defend a standing army; not that I propose to convince any man of the folly of such apprehensions, or to fortify him against such terrors for the time to come; for if any man, in reality, now dreads the Pretender, fear must be his distemper, he is doomed to live in terrors, and it is of no importance whether he dreads an invasion or a goblin, whether he is afraid to disband the army, or to put out his candle in the night, his imagination is tainted, and he must be cured, not by argument, but by physic.

But the greatest part of those who disturb our consultations with the mention of the Pretender, are men of a very different character, men equally unconcerned about his designs, or his motions, with those who are most desirous of setting the nation free from the burthen of an army, and very often such as we may discover, from their conduct, to be determined to comply with every government, and such as have therefore nothing to fear from a change of masters.

The men for whose sake I am now speaking, Sir, laugh as much as I do at the apprehensions of those whom they contribute to terrify; they know too well the impotence of the Pretender to dread an invasion from him, and affect only to continue their outcries, that they may not be deprived of a topic, on which, by long practice, they have attained an uncommon facility of haranguing, which they know how to diversify with various combinations of circumstances, and how to accommodate to any emergent occasion without the pain of torturing their inventions.

It may be useful, Sir, to inform these men, that their disguise ought at last to be thrown off, because it deceives no longer, and that the nation cannot be cheated, but at the expence of more cunning than they are willing, or perhaps able, to display. A mask must necessarily be thrown aside, when instead of concealing, it discovers him by whom it is used.

Those who are attempting, Sir, to deceive others, and whose character is exalted, in their own opinion, in proportion to the success of their endeavours, have surely a sense of shame, though they have none of virtue; and cannot without pain find their artifices detected, and themselves made the objects of ridicule, by those stratagems which they employ for the deception of others.

I hope, therefore, Sir, that, for their own sakes, these declaimers on the exploded story of the Pretender, will change their bugbear; that if it be necessary to frighten those whom they want art or eloquence to persuade, they will find out some other object of terror, which, after a little practice in private meetings, they may first produce in the court, and then turn loose in the parliament.

The world, methinks, allows them a sufficient choice of tyrants more formidable than the Pretender. Suppose they should revive the history of the Mohocks. The Mohocks are a dreadful race, not to be mentioned without horror by a true lover of his country, and a steady adherent to the house of Hanover; they might then very easily increase our army, or inhance our taxes; for who would not be urged by his wife and daughter to agree to any measures that might secure them from the Mohocks?

But as an army is at present likely to be kept up for our defence against an enemy less formidable, it may be more seasonable to propose the regulation than the dismission of our troops, and to mention those evils which arise from the present establishment, rather than those which are inseparable from the expence of a standing force.

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If it be necessary, Sir, to support soldiers, I suppose that it will not be denied by the advocates for an army, that we ought to levy such troops as may be of use; yet in their practice they seem to have paid very little regard to this principle. Our troopers are mounted upon horse which can serve no purpose but that of show, which may indeed wheel about in the park with a formidable air, but can neither advance upon an enemy with impetuosity nor retreat from him with expedition; and which, therefore, though purchased by the nation at a very high price, and supported at a large expence, can only grace a review, but are of very little use in an enemy's country, and must perish in the march, or stand unactive in the battle.

Nor is much more service to be expected, Sir, from their riders than from the horses, for there are very few of them acquainted with the first elements of their profession, or who have ever learned more than a few postures of exercise, and the meaning of a few words of command, but have a number of officers with large appointments.

The French troops, Sir, if they are doubly officered, are officered and maintained at a less expence, and to greater effect; for the soldiers are better instructed, and the same number of men cost not, perhaps, much more than half the charge of a British regiment.

The guards, Sir, that are maintained about this metropolis, for no other purpose than to keep up the splendour of a modern court, cost the nation yearly such a sum as would be sufficient to support an army of Frenchmen, for the protection of their frontier towns, or the invasion of neighbouring countries.

For my part, I cannot see what injury would be done to the nation by abolishing an establishment, at the same time both useless and expensive, and employing that money which is at present squandered upon idlers without effect, upon levies of useful soldiers for marching regiments, who might be employed, when occasion should require them, in the service of their country.

It will doubtless be objected, that the officers of this body of men, many of whom are persons of the highest merit, and who have generally purchased their commissions, might very justly complain of being deprived, without a crime, of that which they have bought at its full value, and to which therefore they imagine themselves intituled, till they shall forfeit their right by some offence against the laws, or some neglect of their duty.

I shall not, Sir, at present enquire into the justice of this plea, nor examine, whether he who purchases an employment, which he knows to be useless, and therefore burthensome to the public, deserves, that the public should be solicitous to support him in the enjoyment of it: but I shall declare, on this occasion, with confidence, that I know many of the officers of the guards to be men of honour, who would gladly exchange their posts, so chargeable to the nation, for an opportunity of serving it, and who are not very anxious for the increase of their pay, so they may not be degraded from their present rank.

If these gentlemen, Sir, might, in the regiments that should be raised by disbanding the guards, be advanced to higher commissions, though with some diminution of their pay, they would imagine themselves abundantly compensated by the happiness of becoming useful subjects, and serving that nation by which they have been hitherto supported only to fill up the pomp of levees, and add to the magnificence of drawing rooms, to loiter in anti-chambers, and to quarrel at gaming tables.

If this scheme should not be approved, the method eligible, in the next degree, seems to be, that of incorporating our new levies into the regiments already raised, that being associated with men already acquainted with discipline, they may learn their duty much more expeditiously than in separate bodies, where one officer will be obliged to attend to the instruction of great numbers, and where no man will be excited to application, because no man will see any degree of excellence, which he may be ambitious of attaining.

I have, indeed, heard no reason alledged for the necessity of new levies, which appeared likely to convince even those by whom it was produced. It appears to me that our present army is more than sufficient for the public service without an augmentation, and that some of our regiments might immediately embark, not only without danger to the nation, but with far greater hopes of success, as our enemies would have less time to strengthen their fortifications, and collect their troops, and as disciplined forces are more formidable than troops newly levied; for discipline must be of great efficacy to the success of military undertakings, or all arguments which have been used in the defence of a standing army fall to the ground.

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In answer to this proposal, we shall probably be once again intimidated with an invasion, whether from the Pretender, the Spaniards, the French, or any other power it is of no great importance. An invasion is a formidable sound, the sack of towns, the destruction of villages, the captivity of our children, the ruin of our fortunes, and the desolation of our country are frightful images, and may therefore be successfully produced, on this occasion, to perplex our thoughts, and embarrass our enquiries.

To remove therefore this panic, and to dissipate, for ever, the phantoms of invasion, I will lay before the House the opinion of the great commander whose name has already been introduced in this debate. In the late reign, on a day when the great officers of the crown, and many of the council, were at a public feast in the city, a report was suddenly spread, that the duke of Ormond had landed in the west with two thousand men. This account was in all appearance well attested, and universally believed; all jollity was therefore at an end, the company departed, the council was summoned, and every man offered such expedients as his present thoughts, confused and oppressed with the proximity of the danger, suggested to him. One proposed that a body of troops should be sent to a distant part of the kingdom, to restrain the seditions of the populace; another apprehended more danger from a different quarter, and advised that the inhabitants should be awed by another detachment sent thither; the most experienced easily saw the unprofitableness of the measures proposed, but could not so easily strike out more efficacious expedients, and therefore sat in great perplexity. Lord Sommers particularly shook his head, and seemed to consider the kingdom as in the hands of the invaders, and the dreadful Pretender as seated on the throne.

At last the duke of Marlborough, who had hitherto sat silent, asked calmly, whether they were certain that any forces were really landed? and was answered, that though it might not be absolutely certain, yet they were to consult and send orders upon that supposition. Then, says he, I will lay down this great rule to be observed invariably, whenever you are invaded. Attend only to one point, nor have any other purpose in view than that of destroying the regular forces that shall be landed in the kingdom, without any regard to petty insurrections which may be always easily quelled, and which will probably cease of themselves, when the army, by which they were excited, is cut off. For this end let it be your rule to keep your army undivided, and to make no motion but towards the enemies, fight them with the utmost expedition, before they can fortify themselves to receive re-inforcements from the continent. By the observation of this plain method of operation, continued he, I will engage without any other force than the regiments generally stationed about the capital, to put a stop to any troops that shall be landed on the coast of Great Britain.

So far was this great officer, who was acquainted with the whole art of war, from sinking into astonishment at the sound of an invasion, and so far from thinking it necessary, that the nation should be harrassed by standing troops, to preserve it from being plundered by a foreign army.

But though our troops, Sir, should not be necessary to prevent an invasion, they may be useful in services of equal importance: the ministry may think the votes of the officers more serviceable than their swords, and may be more afraid of exposing themselves than the nation by any detachment of their forces.

Such is at present, Sir, the state of this unhappy country, that neither in peace nor war are any measures taken, but with a view of encreasing or confirming the power of the ministry; for this purpose those troops, whose officers have seats here, are to be retained at home, and the fate of our West India settlements to be committed to new levied forces without military skill.

For this reason is an army to be raised without necessity, and raised in a manner that may furnish the court with an opportunity of extending its influence, by the disposal of great numbers of new commissions. By this plan every family that is burthened with a relation, whose vices have ruined his fortune, or whose stupidity disqualifies him for employment, will have an opportunity of selling for a commission, their interest at the approaching election; dependance will be propagated, and the troublesome spirit of liberty be depressed.

To little purpose will it be objected, that soldiers and officers will be equally ignorant, that discipline is not infused instantaneously, that a military dress will not make a soldier, that men can only know their duty by instruction, and that

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nothing is to be hoped from ploughmen, and manufacturers commanded by schoolboys. The success of the expedition is not so much considered by those who have the direction of the levies, as that of the election, and while they keep their posts they are very little concerned about the affairs of the West Indies.

In defence of this method it has, indeed, been affirmed, that it was preferred by the duke of Marlborough; but we are not informed to whom, or upon what occasion he declared his opinion, and therefore are left at liberty to doubt, whether his authority is not produced for a method which he did not approve, or approved only at some particular time for some extraordinary service.

It is urged that he recommended it by his practice, and that his success is a sufficient proof that his practice was founded upon right maxims. But if it be remembered what was, in that time, the method of obtaining commissions, and who it was that had the disposal of them, it will appear not absolutely certain, that his practice ought to be produced as a decisive proof of his opinion.

If the success of troops be properly urged as an argument for the form of their establishment, may not the victories of prince Eugene afford a proof, equally convincing, that a few officers are sufficient? And if the arguments which arise from success are equal on both sides, ought not the necessity of saving the public money to turn the balance?

War, Sir, is in its own nature a calamity very grievous to the most powerful and flourishing people, and to a trading nation is particularly destructive, as it at once exhausts our wealth, and interrupts our commerce, at once drinks up the stream and choaks up the fountain. In those countries, whose affairs are wholly transacted within their own frontiers, where there is either very little money, or where their wealth is dug out of their own mines, they are only weakened by the loss of men, or by the diminution of their dominions, and in general can only suffer by being overcome.

But the state of Great Britain is far different, it is not necessary to our ruin that an enemy should be stronger than ourselves, that he should be able to pour armies into our country, to cover the sea with fleets, to burn our villages by incursions, or destroy our fortresses with bombs; for he that can secure his own dominions from our attacks, to which nothing but distance and some advantages of situation are necessary, may support a war against us; and he that can fit out privateers to interrupt our trade, may, without obtaining a victory, reduce us to distress.

Our situation, Sir, as it preserves us from the danger of an invasion except from that powerful monarch the Pretender, who is indeed always to be dreaded, has likewise the effect of securing other nations from being invaded by us, for it is very difficult to transport in one fleet, and to land at one time, a number sufficient to force their way into a country where the ports are fortified, and the inhabitants in arms.

Our wars, Sir, are therefore to be determined by naval battles, and those nations have very little to fear from us who have no trade to be disturbed, and no navies to be destroyed; if they can only fit out cruisers, which may always be done by granting commissions to foreign adventurers, they may ruin our merchants by captures, exhaust the nation by the necessity of convoys, and give neutral traders an opportunity of establishing their credit at those markets, which have been hitherto supplied by our manufactures.

This is, indeed, far from being at present an exact account of the state of Spain, whose wide extended dominions are liable to insults, and from whom many of her most wealthy provinces may be torn without great hazard or difficulty. The particular state of her commerce, which being only carried on from one part of her dominions to another, can only be for a time interrupted, but is in no danger of being invaded by any rival, or lost by disuse, at least requires our consideration: and we ought to make war with the utmost frugality against a people whom no hostilities can really impoverish, whose commerce may be said to lie at rest rather than to be shackled, as it will rise into greater vigour at the end of the war, and whose treasures, though the want of them is a present inconvenience, are only piled up for a time of security.

As the only method, Sir, of reducing this nation must be that of invading its colonies, and dismembering its provinces, by which the chief persons will be deprived of their revenues, and a general discontent be spread over the people, the forces which are levied for this expedition, (an expedition on which the honour of our arms and the prosperity of our trade must so much

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necessarily depend,) ought to be selected with the greatest care, and disciplined, with the exactest regularity.

On this occasion, therefore, it is surely improper to employ troops newly collected from shops and villages, and yet more irrational to trust them to the direction of boys called on this occasion from the frolics of a school, or forced from the bosoms of their mothers, and the softness of the nursery. It is not without compassion, compassion very far extended, that I consider the unhappy striplings doomed to a camp, from whom the sun has hitherto been screened, and the wind excluded; who have been taught by many tender lectures the unwholsomeness of the evening mists and the morning dews, who have been wrapt in furs in summer, who have lived without any fatigue but that of dress, or any care but that of their complexion.

Who can forbear, Sir, some degree of sympathy, when he sees animals like these taking their last farewel of the maid that has fed them with sweet-meats, and defended them from insects; when he sees them drest up in the habiliments of soldiers, loaded with a sword, and invested with a command, not to mount the guard at the palace, not to display their lace at a review, not to protect ladies at the door of an assembly room, nor to show their intrepidity at a country fair, but to enter into a kind of fellowship with the rugged sailor, to hear the tumult of a storm, to sustain the change of climates, and to be set on shore in an enemy's dominions?

Surely, he that can see such spectacles without sorrow, must have hardened his heart beyond the common degrees of cruelty, and it may reasonably be expected, that he who can propose any method by which such hardships may be escaped, will be thought entitled to gratitude.

For my part, I should imagine, Sir, that an easy method might be discovered of obviating such misery, without lessening that number of officers, which perhaps, in opposition to reason and experience, some gentlemen will continue to think necessary, and I hope that this may be no improper time to declare my opinion.

I have observed, that for some time, no private sentinel has ever risen to any rank above that of a serjeant, and that commissions have been reserved as rewards for other services than those of the camp. This procedure, I cannot but think at once impolitic and unjust.

It is impolitic, Sir, as it has a natural tendency to extinguish in the soldiery all emulation and all industry. Soldiers have an equal genius with other men, and undoubtedly there might be found among them great numbers capable of learning and of improving the military sciences; but they have likewise the same love of ease, and the desire of honour and of profit, and will not condemn themselves to labour without the prospect of reward, nor sacrifice their time to the attainment of that knowledge, which can have no other effect than to make them discover the stupidity of their commanders, and render their obedience more difficult, as it will destroy that reverence which is necessary to subordination.

It is unjust, Sir, because it is not to be doubted, that some soldiers by the natural force of their faculties, or by a laudable activity of mind, have extended their knowledge beyond the duties of a private station, and he that excels in his profession has an equitable claim to distinction and preferment. To advance any man in the army, because his father is an orator in parliament, or the leading man of a borough, seems not more rational, than to make another man a judge because some of his ancestors were skilled in gunnery; nor would the lawyers have juster reasons for complaint in one case, than the soldiers in the other.

It is therefore, Sir, in my opinion, necessary to the advancement of military knowledge, that as a sentinel is, for excelling in his profession, advanced to the degree of a serjeant, the serjeant, who continues his application, and performs his duty, should, in time, be honoured with a commission.

It may be objected indeed, that serjeants, though skilful in discipline, yet can very seldom arrive at any remarkable skill in politics, and though they should be so fortunate as to gain estates, could never be of any use as the representatives of a borough; and to what purpose should those men be advanced, who can only serve their country; but can contribute very little to the support of the court?

This is, I own, Sir, an objection which I despair of answering to the satisfaction of those by whom it will be raised. The hardy serjeant would never cringe gracefully at a levee, would never attain to any successful degree of address in soliciting

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votes, and if he should, by mere bribery, be deputed hither, would be unable to defend the conduct of his directors.

In vindication of the present scheme, I believe few of those rugged warriors would find many arguments; they would not recommend to the nation a troop of boys, under the command of boys, as the most proper forces to be sent to make conquests in distant countries; nor would imagine, that unskilful soldiers could, under the direction of officers equally ignorant with themselves, attain the knowledge of their duty in the same time as if they were incorporated with regular troops, in which every man might receive instruction, and learn his business from his comrade.

I had lately, Sir, the opportunity of hearing the opinion of one of the greatest generals in the world, on this subject, who declared with the utmost confidence of certainty, that raw troops could be disciplined in a short time, only by being incorporated with those that had been already taught their duty; and asserted, that with an army so mixed, he should think himself sufficiently enabled to meet any forces of the same number, and should not fear to acquit himself successfully, either in attacking or defending.

Such are the sentiments of this great man, to whom I know not whether any name can be opposed, that deserves equally to be reverenced. He has had the honour of defending the rights of his country in the senate, as well as in the field, has signalized himself equally in the debate and in the battle, and perhaps deserves less regard for having hazarded his life, than for having been divested of his employments.

Since therefore, it is apparent that great numbers of officers are by no means necessary to success in war, since they are dangerous to our liberty in time of peace, since they are certainly expensive, and at best not certainly useful; and since the greatest general of the present age has declared that our new levies ought to be mingled with our standing forces, I shall think it my duty, to vote against the present scheme of raising new regiments, and shall agree to no other supplies than such as may be sufficient for adding the same numbers to the present army.

General *Wade:*

Sir; though I cannot pretend to pursue the hon. gentleman through the whole compass of his argument, nor shall attempt to stand up as his rival, either in extent of knowledge, or elegance of language; yet as my course of life has necessarily furnished me with some observations relating to the question before us, and my present station in the army, may, in some measure, be said to make it my duty to declare my opinion, I shall lay before the House a few considerations, with the artless simplicity of a plain soldier, without engaging in a formal debate, or attempting to overthrow the arguments of others.

It is observed, Sir, that for the greatest part, the farther any man has advanced in life, the less confidence he places in speculation, and the more he learns to rest upon experience, the only sure guide in human affairs; and as the transactions in which he is engaged are more important, with the greater anxiety does he inquire after precedents, and the more timorously does he proceed, when he is obliged to regulate his conduct by conjecture or by deliberation.

This remark, Sir, though it may be just with regard to all states of life, is yet more constantly and certainly applicable to that of the soldier; because as his profession is more hazardous than any other, he must with more caution guard against miscarriages and error. The old soldier, therefore, very rarely ventures beyond the verge of experience, unless in compliance with particular accidents, which does not make any change in his general scheme, or in situations, where nothing can preserve him, but some new stratagem or unprecedented effort, which are not to be mentioned as part of his original plan of operation, because they are produced always by unforeseen emergencies, and are to be imputed, not to choice but to necessity; for in consequence of my first principle, an old soldier never willingly involves himself in difficulties, or proceeds in such a manner, as that he may not expect success by the regular operations of war.

It will not therefore be strange, if I, who, having served in the army in the wars of king William, may justly claim the title of an old soldier, should not easily depart from the methods established in my youth; methods by which their effects have shewn me, that they at least answer the intention for which they were contrived, and which therefore I shall be afraid of rejecting, lest those which are proposed to be substituted in their place, however probable in speculation, should be found defective in practice; and the reasonings, which indeed I

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cannot answer, should be confuted in the field, where eloquence has very little power.

The troops of Great Britain, formed according to the present establishment, have been found successful; they have preserved the liberties of Europe, and driven the armies of France before them; they have appeared equally formidable in sieges and in battles, and with strength equally irresistible, have pressed forward in the field, and mounted the breach. It may be urged, that this vigour, alacrity and success, cannot be proved to have been produced by the number of officers who commanded them; but since, on the contrary, it cannot be shown that the number of officers did not contribute to their victories, I think it not prudent to try the experiment, which, if it should succeed, as it possibly may, would produce no great advantage; and if it should fail, and that it may fail no man will deny, must bring upon us, not only the expence, which we are so solicitous to avoid, but disgrace and losses, a long interruption of our trade, and the slaughter of great numbers of our fellow-subjects.

Thus far, Sir, I have proceeded upon a supposition that the balance of argument is equal on both sides, and that nothing could be alledged on one part, but experience, or objected to the other, but the want of it; but as I am now called to declare my opinion in a question relating to my profession, a question of great importance to the public, I should think that I had not discharged my duty to my country with that fidelity which may justly be expected from me, if I should omit any observation that my memory may suggest, by which the House may be better enabled to proceed in this enquiry.

I think it therefore proper to declare, that we not only, in the last great war experienced the usefulness of numerous officers, but that we have likewise felt the want of them on a signal occasion, and that the only greatest advantage which our enemies obtained, was gained over an army, rendered weak by the want of the usual number of officers. Such were the forces that were defeated at the fatal battle of Almanza, by which almost all Spain* was recovered from us. And it is, Sir, the opinion of very skilful commanders, that the Germans, only by having fewer officers than the French, did not succeed in those long and obstinate battles of Parma and Guastalla.

It is indeed natural to imagine, that a greater number of officers must promote success, because courage is kindled by example, and it is therefore of use to every man to have his leader in his view. Shame at one time, and affection at another, may produce the effects of courage, where it is wanted, and those may follow their commander, who are inclined to desert their duty; for it is seldom known, that, while the officers appear confident, the soldiers despair, or that they think of retreating but after the example of their leaders.

Where there are only few officers, it is apparent, that more is left to chance, in which it becomes not a wise man to place any confidence; for if the officers are killed at the beginning of the action, the soldiers must become an useless, defenceless herd without order, without unanimity, and without design; but, by the present method, if an officer happens to fall, his place is immediately supplied by another, the action goes forward, and the enemy receives no advantage from confusion or delay.

I am therefore of opinion, that in raising troops for the expedition now intended, the established method ought to be followed, and that we ought not to hazard the success of our attempt, by new regulations, of which no human sagacity can foretel the event.

Though it cannot be denied, that some addition might be made to our companies without any visible or certain inconvenience, yet the augmentation now intended, is too numerous to be so incorporated without some neglect of discipline, as the officers would be charged with more men than they could properly superintend.

There is indeed, Sir, another method of incorporation, by adding new companies to each regiment; but of this method the advantage would be small, because the number of captains and inferior officers must be the same, and the pay of only the field officers would be saved, and this trifling gain would be far over-balanced by the inconveniences which experience has shown to arise from it. There have been regiments formed of thirteen companies instead of ten; but it was found, that as the officers of a company may be overcharged with soldiers, so a colonel may

* General Wade, at the head of two battalions, repulsed twenty-two squadrons of the enemy in that action, being then colonel of a regiment.

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likewise have more companies than he can conveniently inspect, and the ancient regulation was restored, as the least liable to difficulties and objections.

Having thus endeavoured to vindicate the manner in which our new troops are proposed to be levied, it may be expected that I should now make some observations on the service in which they are to be employed, which I cannot think liable to any unanswerable objection. It is now, Sir, in our choice whether we will send the new regiments abroad or keep them at home; and our choice may easily be determined by comparing the value of our colonies with that of their mother country. If it be not necessary to have any army here, to defend us against insults and invasions, the question about the manner of raising or employing new regiments is superfluous, because none ought to be raised, as our old troops are sufficiently numerous for foreign service. But if the security of the nation requires an army, would it not be madness to send those troops, to a distant part of the world, in which we can confide most? Would not those, who speak with such contempt of an expedition undertaken by boys, have a better reason for the censure, if only boys were stationed on our coasts to repel the veterans of the French? Would not such measures animate our enemies, and invite an invasion?

It may perhaps be urged farther, that the troops which are sent into the West Indies, are more likely to succeed in their design, than any regiment of ancient establishment. The chief danger to be feared in that part of the world, is not from the enemy but the climate, with which young men are most able to contend, though they may not be equally qualified for attempts, in which skill is equally necessary with vigour.

I am convinced, Sir, that this war has hitherto been prosecuted with ardour and fidelity, and that no measures have been taken but such as experience and reason have supported, and therefore affirm, without scruple, that if we are not successful, our miscarriages must be imputed to the chance of war, from which no prudence can exempt us.

Lord *Quarendon*:*

Sir; having but very lately had the honour of a seat in this House, I am conscious how little I am acquainted with either the subjects or forms of debate, and should therefore continue to listen to the sentiments of persons more experienced, with silent veneration, did I not observe with how much indulgence they are heard who mean well, however deficient in knowledge, or in eloquence.

As the hon. gentleman who spoke last, Sir, professes to have formed his opinion rather from facts than arguments, I hope I shall be indulged by the House in an attempt to examine those facts which he has produced, because I think them not sufficient to support his positions, which must therefore be established by some other proofs, before a decision of this question can be fixed by them.

With regard to his experience, to which undoubtedly no small degree of veneration is due, he confesses that we have tried only one of the two forms of establishment now in competition, and that therefore, though he has had reason to approve that with which he is most acquainted, he has no certain proofs of the inefficacy or imperfection of the other.

But experience, Sir, may be extended much farther than our own personal transactions, and may very justly comprehend those observations which we have had opportunities of making upon the conduct and success of others. This gentleman, though he has only commanded in the armies of Great Britain, has seen the forces of other nations, has remarked their regulations, and heard of their actions, he has probably acted in conjunction with our confederates in the last war, and though it is known that they differ from us in the proportion of soldiers and officers, he has mentioned no disadvantage which might be supposed to arise from their establishment, and therefore, I suppose, he cannot deny that their behaviour and success was the same with that of our troops.

The battles of Almanza, Parma, and Guastalla, which he has particularly mentioned, were lost, as he informs us, by armies not officered according to the establishment which he recommends to us; but it is observable that his argument is defective in an essential part; for though he affirms that the armies which were defeated had fewer officers than the enemy, he has neither shown, nor attempted to show, that the want of officers occasioned the defeat, or that the loss would have been prevented by a greater number.

These instances, therefore, can be of no

* Afterwards earl of Litchfield.

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effect on the determination of the present question; for though it is certain that at Almanza, and at other places, armies with few officers have lost the battle, it is not less common for those troops that are more liberally supplied to be overthrown by others which are differently modelled.

With regard, Sir, to the troops of Germany, I have heard them praised in many parts of Europe, as not inferior either to those of France, or of any other nation, and have been informed that their ill success, both at Parma and Guastalla, may be justly imputed to other causes than the want of officers.

There has, perhaps, Sir, seldom been an example of firmness, discipline and resolution, beyond that which was shown by the Germans at the action of Parma, where they attacked the trenches of the French, sustained the fire of the ramparts of the city, and though they lost their commander in chief and two others, towards the beginning of the action, they continued the fight for eleven hours, and at last retired only at the approach of night.

At Guastalla, Sir, they attacked the French in their trenches, even with forces inferior in number, so far were they from any diffidence in the form of their establishment; and after a fight of seven hours, in which their loss was, under all disadvantages, not greater than that of their enemies, they retreated to their former camp unmolested and unpursued. The French, Sir, were preserved in both these battles, not by the number of their officers, but by their situation, by woods, cassines, ditches and intrenchments.

Nor do I discover, Sir, what can be inferred from his observation of the influence of example in time of action, but that officers should be selected with great care, and not be promoted by favour, interest, or caprice; for an example of cowardice in a leader must be pernicious, in proportion as that of bravery is beneficial; and as, where more officers are supposed necessary there is less room for choice, so it must be allowed that the troops, which have more officers than other forces, are in more danger of being infected with cowardice.

It appears therefore to me, that the expence of the present establishment is a certain evil, and that the advantages are very doubtful; and I think it demonstrable, that the present state of the nation requires frugality, and therefore I shall vote for the incorporation of our new levies with the old regiments.

By this incorporation, Sir, our new levied troops will be no longer distinguished from our veterans; they will be equally acquainted with discipline, and will learn from the conversation of their associates, a spirit of enterprise, and a contempt of danger; we may then employ forces equally formidable in all parts of the public service, and invade the dominions of our enemies, without leaving our own country desolate.

The arguments which the hon. gentleman has offered in defence of sending our younger troops to the West Indies, which may likewise be used against an incorporation, is in my opinion, Sir, far from being conclusive; for it supposes, what will not be granted, that a cold climate may be changed for a hotter, with more safety by a young, than an old man. I have been told on the contrary, that superabundant heat is the great disease of youth, and that the want of it produces most of the infirmities of age; and every one has known the lives of persons, languishing with age, prolonged by a removal into warm countries. I am therefore of opinion, that the hon. gentleman's argument is defective in all its parts, and hope that I shall not be charged with obstinacy or perverseness for dissenting from him.

Mr. *Howe*:*

Sir; before I engage in a discussion of the question, I cannot but think it necessary to observe, that the hon. gentleman, who spoke the second in this debate, has been very far from consulting either policy or justice in his declamation, and that he deviated from the subject only to ridicule his country, to exalt our enemies, and depress our efforts.

He has described, Sir, the British youth, the sons of noble families, and the hopes of the nation, in terms too contemptuous to be heard without indignation; he has amused himself with displaying their ignorance and their effeminacy, and has indulged his imagination in a malignant kind of gaiety, which, however it may divert himself, is very far from contributing either to the reformation or prevention of those practices which he censures.

I believe, Sir, it will be granted, that nothing ought to please but in proportion to its propriety and truth; and if we try the satire that we have lately heard by this test, it will be found to have very little

* Created lord Chedworth in 1741.

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claim to applause: for our armies must be composed of the youth of the nation: and for my part, I cannot discover what advantage we shall gain over the Spaniards by informing them how little our troops are accustomed to danger, how short a time they have been acquainted with fatigue, how tenderly they have been nursed, how easily they may be frighted, and how certainly they will be conquered, if they but meet with opposition.

Nor, Sir, is such an account of the youth of Britain more true, in my opinion, than it is prudent. I am far from discovering any such remarkable degeneracy in the age, or any great prevalence of cowardice and unmanly delicacy; nor do I doubt of hearing, that our youth, if they are sent upon any expedition, will shew, that the British courage is not yet extinguished, and that, if they are ranged on the plains of the West Indies, they will discover themselves the sons of those that forced the pass of Schellenbourg.

That the degeneracy of the British youth is, at least, not universal, we have just now, Sir, received an incontestible proof from the gentleman who spoke last, and spoke with so much elegance of language, and justness of reasoning, as shews, that there are to be found, among the youth of Great Britain, persons very well qualified for the parliament; and I have never heard that a post in the army required greater abilities.

The pleasure, however, with which I have attended to his remarks, has not so far prejudiced me in favour of his opinion, as that I shall easily consent to change that method of discipline to which our troops have been accustomed, and of which we know by experience, that it is at least not less efficacious than that of any other nation. Customs, if they are not bad, are not to be changed, because it is an argument in favour of a practice that the people have experienced it, and approved it, and every change is disagreeable to those who judge only by prejudice, of whom I need not say how great is the number.

Many arguments may, Sir, in my opinion, be added to our experience in favour of the present establishment. The number of officers——But I find myself unable to pursue my design, because I cannot read my notes, which, being written by another hand, are difficult to make out, as it is the dusk of the evening——I shall therefore only make some observations upon the speech of the gentleman who spoke the second in this debate, and hope that I shall be allowed to deviate from the principal question since I do it only in pursuit of another.

He has observed, that our troopers are mounted upon horses that are of no use; a remark, Sir, which I never heard from any other person, and for which, I believe no authority can be produced: they are mounted, indeed, upon horses very different from those which are used by other nations, because scarcely any other country breeds horses of equal size and strength, and therefore, as I am informed, the French have purchased horses from this island, and I believe that all the cavalry of Europe would be mounted upon our horses, if they could procure them. I have been informed, that their pressure in the shock of battle is such as no forces in the world are able to sustain; and that it was not less by the strength of our horses, than the spirit of our soldiers, that the squadrons of France were, in the battle of Blenheim, pushed into the Danube.

Nor do I less disapprove his censure of the choice which has been made of the troops intended for the West Indian service, which, though I ardently desire its success, I cannot think of equal importance with the defence of our own country, for though we may be disgraced by a defeat, we can be endangered only by an invasion: and therefore I think it necessary to retain those troops on which we may best rely for the security of this island, lest our enemies should take the advantage of their absence, and set the Pretender on the throne.

Sir *William Yonge*:

Sir; it is a standing maxim, both in private life and public transactions, that no man can obtain great advantages, who is afraid of petty inconveniences: and that he that will hope to obtain his end without expence, will languish for ever in fruitless wishes, and have the mortification of seeing the adventurous and the liberal enjoy that felicity, which though it is within his reach, he is afraid of seizing.

When the depredations of the Spaniards became first the subjects of our debates, nothing was heard amongst us but threats of vengeance, demands of reparation, assertions of sovereignty, and resolutions to obtain security: the importance of our commerce, the necessity of rigorous measures, the danger of pusillanimity, the meanness of negociation, and the disad-

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vantages of delay, were thundered from every part of the House. Every man seemed to imagine that there was no mean between victory and ruin, and that not to humble Spain, was to betray our country to insults, ignominy and slavery.

Far was I then, Sir, from suspecting, that when the war, thus vehemently urged, should be declared, that the prosecution of it would produce any debates. I doubted not but that every man would be desirous of signalizing his zeal for the prosperity of commerce, by expediting the supplies, and forwarding the preparations, and that the only contention among us would be, who should appear the most ardent enemy of Spain.

But no sooner are hostilities begun against this insolent and oppressive nation, than those who expressed most resentment at the prudence and moderation by which they were delayed, those that accused every attempt for an accommodation, of cowardice, and charged the ministry with conniving at the rapine of pirates, begin to enquire into the necessity of the expences occasioned by the war, to harangue on the advantages of parsimony, and think it of more importance to ease our taxes, than to subdue our enemies.

In pursuance of this new doctrine they are now endeavouring to embarrass the measures of his majesty, that they may save, according to their own computation only 30,000*l.* which in reality I can easily shew to be no more than 15,000*l.*

For the sake of this important sum our army is to be modelled by a new regulation, and the success of the war is to be impeded, the security of our commerce to be hazarded, and our colonies are to be endangered.

Frugality is undoubtedly a virtue, but is, like others, to be practised on proper occasions: to compute expence with a scrupulous nicety in time of war, is to prefer money to safety, and by a very perverse kind of policy, to hazard the whole for the preservation of a part.

The gentlemen, Sir, who have most endeavoured to distinguish themselves as the constant opponents of the administration, have charged it, on all occasions, with giving encouragement to the Spaniards, but can charge it with nothing so likely to raise the confidence and confirm the obstinacy of the enemy, as the objections which they themselves have made to the present scheme of levying forces; for to how great a degree of poverty must they believe that nation reduced, of which the warmest patriots struggle to save a sum so inconsiderable, by an experiment of so much uncertainty? And how easily will the Spaniards promise themselves, that they shall gain the victory only by obliging us to continue in a state of war, a state which, by our own confession, we are not able to support?

Had any other argument, Sir, been produced than the necessity of parsimony, it had been less dangerous to have agreed to this new scheme; but to adopt it only for the sake of sparing 15,000*l.* would be to make ourselves contemptible, to intimidate our allies, and to unite all those against us, who are inclined to trample on misery, and to plunder weakness.

I am inclined to judge so favourably, Sir, of the intentions of those whom I am now opposing, that I believe they have only used this argument, because they were able to produce no other, and that if either reason or experience had been on their side, the poverty of the nation had not been mentioned.

But the hon. gentleman, who has been so long engaged in military employments, has shewn that all our success has been obtained by the present establishment, and that the battle in which we suffered most was lost by our unfortunate deficiency of officers.

Nor do his reasons, Sir, however modestly offered, deserve less regard than his experience, for he has shown, that a greater number of officers naturally contribute to preserve discipline, and excite courage, and it is not necessary that a man should be much a soldier to discover, that discipline and courage united must generally prevail.

To the examples which he has produced in favour of his opinion, it has been objected, that victories equally wonderful have been gained with fewer officers, and, by the honourable gentleman that spoke the second on this occasion, the actions of Eugene were opposed to those of the duke of Marlborough.

That victories have been gained by troops differently regulated, I cannot deny: victories have likewise been gained, Sir, under every circumstance of disadvantage: victories have been gained by inferior numbers, and by raw troops, over veteran armies, yet no prudent general ever produced these instances as arguments against the usefulness of discipline, or as proofs that superiority of numbers was no advantage.

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The success of prince Eugene in the late war, was far from convincing the British general that the German establishment was preferable to our own; for he required that the Hessian troops, which were paid by Great Britain, should be officered like our national troops. In this he could be influenced only by his own opinion; for he neither nominated their officers, nor could advance his interest at home by creating new posts to which he did not recommend; he could therefore only regard the success of the war, and changed their model only because he thought it defective.

The Germans themselves, Sir, are far from imagining that their armies might not be made more formidable by approaching nearer to the British methods; for one of their officers, a man of great reputation and experience, has informed me, that they were convinced of their defect, and that nothing hindered them from adding more officers, but the fear of expences, that they imputed all their defeats to the necessity of parsimony, that their men wanted not courage but leaders, and that their enemies gained advantages merely by the superiority of their purses.

In the late war it was common for the auxiliary troops, when they were sent upon any expedition of importance, to be supplied with officers either from their other regiments, or by the British forces; so necessary did the duke of Marlborough think a larger number of officers in time of action, that where he could not alter the establishment, he deviated from the common methods of war, and transferred his officers occasionally into troops over which they had no settled authority.

It is therefore most evident, Sir, that the model on which our troops are formed, was, by this great commander, preferred to that which is now so warmly recommended, and I know not why we should recede from his practice, if we are desirous of his success.

Nor can I discover, Sir, any better method of selecting officers than that which has of late been followed, however some may censure or ridicule it. To advance gentlemen to command seems to be the most likely way to unite authority with rank, for no man willingly obeys those to whom he has lately seen himself equal, or whose conduct in lower stations he has perhaps had opportunities of examining too nearly.

The distinction of birth, however chimerical in itself, has been so long admitted and so universally received, that it is generally imagined to confer on one man an indelible and evident superiority over another, a superiority, which those who would easily imagine themselves equal in merit cannot deny, and which they allow more willingly, because, though it be an advantage to possess it, to want it cannot be justly considered as a reproach.

For this reason, Sir, men cheerfully obey those to whom their birth seems to have subjected them, without any scrupulous enquiries into their virtues or abilities; they have been taught from their childhood, to consider them as placed in a higher rank than themselves, and are therefore not disgusted at any transient bursts of impatience, or sudden starts of caprice, which would produce at least resentment, and perhaps mutiny, in men newly exalted from a low station. The more attentively, Sir, we look upon the world, the more strongly shall we be convinced of the truth of these assertions, and the more evidently shall we discover the influence which operates, in a degree scarcely credible, even to those who have experienced its power, and which is indeed one of the chief means of subordination, by which society is held together.

Nor are officers of birth, Sir, to be preferred to men who are recommended by nothing but military service, only because they are more cheerfully obeyed, but for another reason of equal importance. It has been observed, that, in reality, they discharge the duty of commanders in a manner more likely to preserve dignity and encrease reverence; that they discover on all occasions, a sense of honour and dread of disgrace, which are not easily to be found in a mind contracted by a mean education, and depressed by long habits of subjection.

It is not indeed, Sir, universally and unvariably certain, that a man raised from meanness and poverty, will be insolent and oppressive; nor do I doubt but there are many now languishing in obscurity, whose abilities might add new lustre to the highest honours, and whose integrity would very faithfully discharge the most important trust; and in their favour, wherever they can be discovered, some exceptions ought to be made; but as general rules are generally to be followed, as well in military regulations as other transactions, it will be found upon the exactest enquiry by no means improper to advance gentlemen to posts of command, rather

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than private sentinels, however skilful or courageous.

It is to be considered, Sir, that the present state of the continent has for many years made it necessary to support an army even when we are not engaged in an actual war; that this army, though of late it has, for the ease of the people, been sometimes encamped during the summer, is for the greatest part quartered in towns, and mingled with the rest of the community, but governed at the same time by the officers, and subject to the martial law. It has often been observed by those who have argued against standing forces, that this difference of government makes different societies, which do not combine in the same interest, nor much favour one another; and it is indeed certain that feuds are sometimes produced, that when any private quarrel happens either by drunkenness, or accident, or claims really disputable, between a soldier and any other person, each applies for support and assistance to those in the same condition with himself; the cause becomes general, and the soldiers and townsmen are not easily restrained from blows and bloodshed.

It is true likewise that the rhetoric of the patriots has been so efficacious, that their arguments have been so clamorously echoed, and their weekly productions so diligently dispersed, that a great part of the nation, as men always willingly admit what will produce immediate ease or advantage, believe the army to be an useless burthen imposed upon the people for the support of the ministry; that the landlord therefore looks upon the soldier as an intruder forced into his house, and rioting in sloth at his expence; and the farmer and manufacturer have learned to call the army the vermin of the land, the caterpillars of the nation, the devourers of other men's industry, the enemies of liberty, and the slaves of the court.

It is not to be supposed, Sir, that the soldiers entertain the same ideas of their profession, or that they do not conceive themselves injured by such representations: they undoubtedly consider themselves as the bulwark of their country, as men selected for the defence of the rest of their community, as those who have engaged at the hazard of their lives to repel invasion and repress rebellion, and who contribute more than their part to the general felicity, by securing property and preventing danger.

It is not to be doubted, Sir, but sentiments so widely different, must produce an equal contrariety of claims, and diversity of conduct; the trader imagines, that the man who subsists upon the taxes which are raised only from his labour, ought to consider himself as his inferior at least, if not as his hireling and his servant; the soldier wonders how he can ever conceive himself sufficiently grateful to him that has devoted his life to his defence, and to whom he must fly for protection whenever danger shall approach him, and concludes that he has an incontestible right to the better part of that, of which the preservation of the whole depends upon him.

Thus does self-love magnify every man in his own eyes, and so differently will men determine when each is to judge in his own cause. Which of these competitors thinks most justly of his own station and character, or whether both are not mistaken in their opinion, I think it by no means necessary to decide. This at least is evident, that to preserve peace and harmony, between two bodies of men obliged to live together with sentiments so opposite, there is required an uncommon degree of prudence, moderation, and knowledge of mankind, which is chiefly to be exerted on the part of the soldiers, because they are subject to more rigorous command, and are more easily governed by the authority of their superiors.

Let us suppose any dispute of this kind, Sir, to happen where the soldiers were commanded only by private sentinels, disguised in the dress of officers, but retaining, what it cannot be expected that they should suddenly be able to lay aside, the prejudices which they had imbibed in the ranks, and all the ardour of trifling competition in which their station had once engaged them. What could be expected from their counsels and direction? Can it be imagined that they would enquire impartially into the original cause of the dispute, that they would attend equally to the parties, endeavour by mildness and candour to soften the malevolence of each, and terminate the dispute by some addressful expedient, or decent accommodation? He surely must be very little acquainted with the vulgar notions of bravery and honour, that could form any hopes of such conduct.

The plain soldier, Sir, has not accustomed himself to regulate his motions by reason, nor has learned any more of ho-

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nour, than that it consists in adhering invariably to his pretensions, even though he should discover that they are false, and in resenting affronts with the utmost rigour, even when they were provoked by himself; he is taught, that it is his business to conquer in whatever cause, and, that to desist from any of his attempts, or retract any of his assertions, is unworthy of a man of honour.

Warm with such notions as these, Sir, would such officers as have been recommended by the hon. gentleman, apply themselves to the termination of differences, without any knowledge of the laws of society, without any settled ideas of the different rights of different persons; they would have nothing in view but the honour of their profession, nor endeavour to support it by any other method than that of violence. If a soldier was affronted by a farmer, they would probably lay his territories waste, and ravage his plantations like an enemy's country; if another disagreed with his landlord, they would advise him to make good his quarters, to invade the magazines of provision without restraint, to force the barricadoes of the cellar, and to forage in the stables without controul.

But gentlemen, Sir, are proper judges of debates between the army and the rest of the community, because they are equally related to both parties, as men who possess or expect estates, or who are allied to those whose influence arises from their property. As men bred in affluence and freedom, and acquainted with the blessings of our constitution, and the necessity of civil government, they cannot willingly contribute to the increase of the military power, and as members of the army they cannot but be desirous to support their own rank, and to hinder their profession from sinking into contempt; it is therefore their care to repress insolence on one part, and to prevent oppression on the other, to stop dissentions in their beginning, and reconcile all the different pretensions of the people and soldiers.

I am indeed surprized, Sir, to hear the promotion of serjeants recommended by the hon. gentleman, who has so often strained his lungs, and exhausted his invention, to explain how much our constitution is endangered by the army; how readily those men will concur in the abolition of property who have nothing to lose, and how easily they may be persuaded to destroy the liberties of their country, who are already cut off from the enjoyment of them; who, therefore, can only behold with envy and malevolence those advantages which they cannot hope to possess, and which produce in them no other effects than a quicker sense of their own misery.

Upon what principles, Sir, any gentleman can form those notions, or with what view he can so long and so studiously disperse them, it is his province to explain, for the only reason that can be offered by any other person for his incessant declamations, the desire of securing his country from the oppression of a standing army, is now for ever overthrown by this new proposal; which, if it were to be received, would in a very few years produce an army proper to be employed in the execution of the most detestable designs, an army that could be of no other use than to gratify an ambitious prince or a wicked ministry, as it would be commanded, not by men who had lost their liberty, but by men who never enjoyed it; by men who would abolish our constitution without knowing that they were engaged in any criminal undertaking, who have no other sense of the enjoyment of authority than that it is the power of acting without controul; who have no knowledge of any other laws, than the commands of their superiors.

To men like these, Sir, to men raised up from poverty and servility to rank and power, to ignorance invested with command, and to meanness elated with preferment, would any real patriot, any zealous assertor of liberty, any inflexible enemy to the corruptions of the ministry, consign the protection of his country, and intrust to these our happiness, our properties and our lives?

Whether the hon. gentleman has changed any of the sentiments which he has hitherto appeared to admit with regard to the army; whether this new determination is only an instance of that inconsistency which is scarcely to be avoided in the vindication of a bad cause; or whether he was betrayed to it only by his hatred of the administration, which would prompt him to recant his own advice, if it should happen to be approved, I will not pretend to determine: But I must lament on this occasion the entertainment which the House will lose, by the eternal cessation of any harangues on the army, since he cannot now declaim on either part without contradicting his former declarations.

Nor will the hon. gentleman find less

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difficulty in proving, that justice rather than policy requires the promotion of serjeants to commissions. Military preferments are always at the disposal of the crown; nor can any right be pretended to them but such as arises from the custom which has been generally followed in conferring them, which is not only variable at pleasure, but has never been at any time regularly observed. The order of rotation has been suffered sometimes to proceed, because of two persons otherwise equal, he that has served longest may plead the most merit; but the plea of service has been always over-ruled by birth or powerful recommendation. And though, Sir, it is natural for men disappointed to complain, yet as those officers, whose preferment has been delayed, were not thought in reality to have received any injury, their murmurs have been the less regarded.

It might be expected, Sir, from a patriot, a lamenter of the degeneracy of mankind, and an inflexible opponent of corruption, that he should consider rather facts than persons; that he should regulate his decision by the invariable principles of reason and justice, and that therefore he should not applaud at one time what he condemns at another.

But this gentleman seems to have established some new maxims of conduct, and perhaps upon new notions of morality; for he seems to imagine, that his friends may seize as their right, what his adversaries cannot touch without robbery, though the claim of both be the same.

It is well known, Sir, to the whole army, that a noble person whose abilities are so loudly celebrated, whose virtues are so liberally praised, and whose removal from his military employments is so solemnly lamented as a public calamity, obtained his first preferments by pretensions very different from military merit; and that at the age only of seventeen, a time of life in which, whatever might be his abilities, very little prudence or experience could be expected, he was advanced to the command of a regiment, and exalted above many officers whose known bravery and frequent hazard entitled them to favour.

I do not assert that he was undeservedly promoted, or condemn those who either solicited or granted his commission. I maintain only that what was then reasonable and just, is not now either iniquitous or ridiculous, and different persons in the same circumstances have a right to the same treatment.

In the reign of queen Anne, a reign, Sir, which every Briton recollects with so much satisfaction, and which will for ever afford examples of the wisest councils, and most successful wars, when new regiments were to be raised it was far from being thought necessary to observe this gentleman's favourite method of rotation; posts were filled, not with the officers of other regiments, that room might be left for the promotion of serjeants, but with gentlemen who had never seen a battle, or learned any part of the military discipline.

But though, Sir, the regulation of our army be thus violently attacked, the greatest crime of the ministry is, in this gentleman's opinion, that of levying new troops, when we have no employment for our standing forces; of laying unnecessary impositions upon the nation, and alarming them with the fears of an invasion, only that the army might be increased.

On this head, Sir, a declaration of the duke of Marlborough has been produced, with a great pomp of circumstances, and such a seeming accuracy of narration, that the attention of the House was engaged, and the account was received with all the solemnity of universal silence, and with the veneration due to so high an authority in a question of so much importance.

The subject is indeed so worthy of regard, that I think, Sir, every man ought to contribute to the clearing it up; and therefore I take the liberty of adding to the honourable gentleman's relation, what I hope will be heard with equal curiosity, the method by which that great commander proposed to put a stop to an invasion with so small a number.

He was very far, Sir, from imagining that he should be able to repel them by open force; he was far from being so confident of his superiority in military skill, as to imagine that he should defeat them by stratagem; and therefore he designed, by burning the villages and destroying the country, to deprive them of the means of subsistence, and harrass them with famine; to hover at a distance, and cut off those parties which necessity should force out to forage, till a body of troops could be assembled sufficient to overthrow them in a battle, or to drive them back to their ships.

Such was the scheme, Sir, as I have been informed, of this great man, nor perhaps, can any other be struck out by human abilities, where greater numbers

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are to be opposed by smaller. But this scheme, though preferable, in the last extremities, to slavery, is such as cannot be mentioned without horror, and of which the execution ought to be avoided by every expedient that can be practised without the danger of our liberties. We ought certainly not to reject a nauseous medicine, by which that health is preserved, which, if lost, can only be restored by the amputation of a limb.

As it was therefore necessary, Sir, to secure our coasts from an invasion, it was necessary to raise new troops for the West India expedition; nor did this method produce any delay, for the regiments were completed a long time before the ships of war and the transports were ready to convoy and receive them, nor could the utmost ardour and diligence dispatch them sooner from our coasts.

The ships, Sir, were by the violence of a frost, scarcely exampled, retained for a long time in the harbours, without a possibility of being put to sea; when they were all assembled at the place appointed for their conjunction, they waited for a wind; all the delay that can be objected, was produced by the seasons, of which the regulation was in no man's power.

But the time, Sir, which was unwillingly spent in the camp, was not however lost or misemployed, for the troops were, by the order of the general, every day exercised, and instructed in the art of war, so that what was lost in time, was more than recompensed by the advantage of better discipline.

Nor did these troops appear an herd so ignorant and contemptible, as they have been represented by malicious invectives and ludicrous descriptions; there were not indeed among them many grey headed warriors, nor were their former campaigns and past exploits, the subjects of their conversation; but there was not one amongst them who did not appear ready to suffer, in the cause of his country, all that the most hardened veteran could undergo, or whose alacrity and eagerness did not promise perseverance in the march, and intrepidity in the battle.

Their general, Sir, who saw them pursue their exercises, declared how much he was satisfied with their proficiency, applauded their appearance, and expressed his confidence in their courage; nor do I doubt, but our enemies will find, that it is not necessary to send out our most formidable forces to humble them, and that the youth of Great Britain will compensate their want of experience by their courage.

If I, Sir, have been drawn aside from the present question, it is by following, perhaps with an exactness too scrupulous, the hon. gentleman, whose propositions I have now shewn to be erroneous, and whose reproaches will, I believe, now appear rather the effects of disappointment than of zeal; and therefore I think it now necessary to return to the business before us, the consideration of the present establishment, from which, as it was approved by the duke of Marlborough, and has been defended with very strong arguments by one of the most experienced officers of the present age, I cannot think it safe or prudent to depart.

Mr. *Grenville:*

Sir; as a noble person has been frequently hinted at in this debate, to whom my relation is well known, and whom, as I know him well, I have the strongest motives to reverence and honour, I cannot forbear to give, on this occasion, an attestation which he will be allowed to deserve by all those whom interest has not blinded, and corruption depraved.

It will be allowed, Sir, that he is one of those who are indebted for their honours only to merit, one whom the malice of a court cannot debase, as its favour cannot exalt; he is one of those whose loss of employments can be a reproach only to those who take them from him, as he cannot forfeit them but by performing his duty, and can only give offence by steady integrity, and a resolution to speak as he thinks, and to act as his conscience dictates.

There are, Sir, men I know, to whom this panegyric will seem romantic and chimerical, men to whom integrity and conscience are idle sounds, men who are content to catch the word of their leader, who have no sense of the obligation of any law but the supreme will of him that pays them, and who know not any virtue but diligence in attendance, and readiness in obedience.

It is surely, Sir, no loss to the noble person to be debarred from any fellowship with men like these. Nothing can be more unpleasing to virtue than such a situation as lays it under a necessity of beholding wickedness that cannot be reformed; as the sight of a pest-house must raise horror, though we should suppose

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the spectator secure from the contagion.

Mr. *Ord:*

Sir; as I cannot approve the scheme now proposed for augmenting our forces, I shall endeavour to shew why the arguments, by which it has hitherto been supported, have failed to convince me, and shall lay before the House some reasons against it, to which I shall expect an answer, before I shall think that I can agree to it, without squandering the money which my constituents have intrusted me with the disposal of.

The argument, Sir, with which this motion was introduced, which is indeed the strongest that has yet been offered, was, that this estimate is less expensive than one that was laid before the House in a late reign, and that therefore it could not reasonably be charged with extravagance.

Let us now consider this argument with that care which is required by the importance of the question; let us inquire what consequences will follow from it, and to what previous suppositions it must owe its force.

The argument, Sir, evidently supposes that the estimate in the reign of king William, was drawn up without any intention to deceive the House, or to raise money for purposes different from those, for which it was really expended. But if we suppose that estimate to be fraudulently calculated, this may contain the same fallacies in a lower degree, and the only merit that can be claimed by the authors of it, will be that they are not the most rapacious plunderers of their country; and that however they may be charged with profusion of public money, they are yet more modest than some of their predecessors.

But it is known, Sir, that in the reign of king William, very few estimates were honestly computed; it is known that the rotation of parties, and fluctuation of measures, reduced the ministry to subsist upon artifices; to amuse the parliament with exorbitant demands, only that they might obtain the necessary grants, and to pretend expences which never were incurred, that the supplies which the public affairs really required, might not be withheld; as fraudulent tradesmen fix immoderate prices, that the buyer may make offers proportionate to their demands.

The estimates therefore of that reign are of very little authority, though they might sometimes pass the House without censure; for it is to be considered, that by the frequency of new elections, the greatest part of the members were often unacquainted with the state of public accounts, and that an army was so little known to this kingdom, that the true expence of it might easily be concealed.

Nor is this, Sir, the only fallacy of this argument; for it supposes likewise, that the nation is no less wealthy than in the time when that computation was offered, with which this is so triumphantly compared. For every man knows that public as well as private expences are to be proportioned to the revenue by which they are supplied, and that the charges which are easily supported at one time, may threaten ruin at another.

But unhappily, Sir, it is evident, that, since the days of that king, the nation has been exhausted by a long and wasteful war, and since, by a peace equally destructive; it is embarrassed with an enormous debt, and entangled in treaties, of which the support may call every day for new expences; it has suffered since that time a thousand losses, but gained no advantage, and yet the expences of that time are mentioned as an example to be compared with those which are proposed in this.

The difference of the condition of the British nation at those two periods of time, Sir, is not less than that of the strength of the same man in the vigour of youth, and the frigidity of old age, in the flush of health and the languor of disease, of the same man newly risen from rest and plenty, and debilitated with hunger and fatigue.

To make such a comparison, Sir, betrays at least a very criminal insensibility of the public misery, if it may not be charged with greater malignity. I know not whether those who shall hear of this debate, may not impute such reflexions rather to cruelty than negligence, and imagine that those who squander the treasure of the nation, take pleasure in reproaching that poverty which their counsels produce, and indulge their own vanity by contemplating the calamities from which they are themselves secure, and to which they are indebted for opportunities of increasing their own fortunes, and gratifying their ambition. It is evident, that an estimate which requires less than that which has been mentioned, may yet exact more than the nation can now raise, without feeling too

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great inconveniences to be compensated by the advantages which can be expected from our new forces. Nor is it sufficient that it is lower than those of former times; for as it ought to be the care of the government to preserve the ease and happiness of the people, it should be reduced in proportion to the diminution of the national wealth.

The right hon. gentleman confesses, Sir, that frugality is a virtue, and his argument supposes, that to contract expences is an argument of prudent measures; why then is he afraid of carrying virtue to a greater height, of making the burthen still more light, and preferring the cheapest estimate that can be proposed, when it is asserted by those whose authority is most worthy of regard, that it will produce no weakness in our troops, nor give our enemies any superiority?

I do not pretend any other skill in military affairs, than may be gained by casual conversation with soldiers, and by a cursory observation of daily occurrences; but I speak with greater confidence on this occasion, because I do not think any other qualifications necessary for the determination of this question, than a habit of just reasoning and freedom from the prejudices of interest.

Every man knows, Sir, without a military education, that it is imprudent to purchase any thing at a greater price which may be procured at a less; and that when the same sum will buy two things, of which one is evidently preferable to the other, the best ought to be chosen.

If the application of either of these two positions will decide this controversy, there will be no need of recurring to experience, of citing the authority of foreign commanders, of comparing the actions of the Germans and British generals, or of enquiring how battles have been lost, or to what causes victories are to be ascribed.

It is evident, Sir, that the scheme now proposed, is twice as costly as that which is recommended in opposition to it; and therefore unless it will produce twice the advantage, it must be acknowledged to be imprudently chosen. The advantage in war is to be rated by comparing the strength of different numbers in different circumstances, and enquiring what degree of superiority will be found.

If we suppose, Sir, two bodies of men equally armed and disciplined opposed to each other without any advantage of situation, we must conceive that neither party could be conquered, that the balance of the day must remain equal, and the contest would continue undecided.

It cannot be objected to this supposition, Sir, that no such event is recorded in history, because in war many causes really act which cannot be estimated; one army may consist of soldiers more courageous, and more confident in the justice of their cause, unforeseen accidents may operate, orders may be mistaken, or leaders may be misinformed; but all these considerations are to be set aside in speculation, because they may equally be alledged on either part.

Two bodies of men, Sir, equally numerous, being therefore supposed equal, it is to be enquired how either may be superior to the other. It is proposed on one part to produce this effect by doubling the number of officers rather than increasing that of the soldiers; and the other, to double the soldiers under the same officers, the expence being the same of both methods.

When two armies modelled according to these different schemes enter the field, what event can be expected? Either 5,000 men with a double number of officers, must be equal to 10,000 differently regulated, or the public has paid more for assistance of the officers than its real value, and has chosen of two methods equally expensive that which is least efficacious.

This, Sir, is the state of the question now before us, our present deficiency is not of men but money, and we may procure 10,000 men regulated like the foreign troops, at the same expence as 5,000 in the form proposed; but I am afraid that no man will be found to assert, that the addition of officers will be equivalent to a double number of soldiers.

Thus it is evident, Sir, evident to demonstration, that the most expensive method is at the same time the least advantageous, and that the proposal of new regiments is intended to augment the strength of the ministry rather than of the army.

If we suppose, Sir, what is more than any foreigner will grant, that the additional officers raise a body of 5,000 men to an equality with 6,000, is not the pay of 4,000 men apparently thrown away? And do not the officers receive a reward which their service cannot deserve? Would it not be far more rational to raise 7,000, by which our army would be stronger by a seventh part, and as the pay of 3,000

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would be saved, the public would be richer by almost a third.

Surely, Sir, numerical arguments cannot but deserve some consideration, even from those who have learned by long practice to explain away mere probability at pleasure, to select the circumstances of complicated questions, and only to shew those which may be produced in favour of their own opinions.

In the present question, Sir, there is very little room for fallacy, nor do I see what remains to the decision of it, but that those gentlemen, who have been acquainted with military operations, should inform us, what degree of superiority is conferred by any assignable number of officers; that we may compare their service with the price, and discover whether the same money will not purchase greater advantages.

The experience of the late war may evince, Sir, that those troops which have the greatest number of officers are not always victorious; for our establishment never admitted the same, or nearly the same number with that of the French, our enemies; nevertheless we still boast of our victories; nor is it certain that we might not have been equally successful, though the number of our officers had been yet less.

Foreigners, Sir, are very far from discovering the defect of their own establishment, or imagining that they should become more formidable by imitating our methods. When I travelled, I took opportunities of conversing with the generals of those nations which are most famous for the valour of their troops, and was informed by them, that they thought a multitude of officers by no means useful, and that they were so far from desiring to see their own regulation changed, that they should make no scruple of recommending it to other nations, who in their opinion, squandered their treasure upon useless commissions, and increased the calamities of war by unnecessary burthens.

I hope no man will think it sufficient to reply to these arguments with general assertions, or will deny the necessity of frugality, and extol the opulence of the nation, the extent of our commerce, and the happiness of our condition. Such indeed, Sir, is the method of argumentation made use of by the hireling scribblers of the court, who, because they feel none of the public calamities, represent all complaints as criminal murmurs, and charge those with sedition who petition only for relief. Wretches like these would celebrate our victories, though our country should be over-run by an invader, would praise the lenity of any government by which themselves should be spared, and would boast of the happiness of plenty, when half the people should be languishing with famine.

I do not suppose, Sir, that the despicable sophistry of prostitutes like these has any effect here, nor should I have thought them worthy of the least notice, had it not been proper to enquire, whether those may not be justly suspected of some inclination to deceive, even in this House, by whom the most profligate of mankind are openly paid for the promulgation of falsehood, and the patronage of corruption.

It is indeed, Sir, artful, in those who are daily impairing our honour and influence, to endeavour to conceal from the people their own weakness, that weakness which is so well known in foreign countries, that every nation is encouraged to insult us; and by which it may reasonably be imagined that new enemies will, in a short time, be raised.

The late changes in our military regulations have indeed taken away all the terror of our arms; those troops are now no longer dreaded, by which the liberties of Europe were recovered, and the French reduced to abandon their schemes of universal empire, for the defence of their own country, because the officers by whom they were formery conducted to glory and to victory, are now dismissed, and men advanced to their posts, who are neither feared nor known.

When the duke of Argyle was lately deprived of his command, the Spaniards could not conceal their satisfaction; they bestowed, however unwillingly, the highest panegyric upon his bravery and conduct, by shewing that he was the only Briton of whom they were afraid. Nor did their allies the French discover less exultation; for by them it was declared, that the nation was now disarmed, that either no war was intended, or that none could be successfully prosecuted, since, as they made no scruple to assert, though I know not whether I ought to repeat it, we have no other man capable of commanding armies, or conducting any great design.

I am informed that this illustrious warrior, whose abilities are sufficiently attested by those enemies that have felt their prevalence, is of opinion, that the number of officers now required is not necessary, and

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has declared that he should with equal confidence undertake either invasion or defence, with forces modelled after the German custom. And since I have shown that unless the troops so regulated are equivalent to a double number added to the standing regiments, part of the expence of the officers is evidently squandered, I shall vote against the motion, unless it be proved, which I believe will not be attempted, that the force of a regiment is doubled by doubling the officers.

General *Wade:*

Sir; the learned gentleman who spoke last, must be acknowledged to have discovered a very specious method of reasoning, and to have carried his enquiry as far as speculation without experience can hope to proceed, but has in my opinion admitted a false principle, by which all his argument has been perplexed.

He supposes that the advantages must be always in proportion to the money expended in procuring them, and that therefore if 5,000 men, raised at any given cost, will be equal to 10,000, they ought, if they are regulated according to an establishment of double the charge, to be able to encounter 10,000.

But in this supposition, Sir, he forgets, that the possibility of loss is to be thrown into the balance against the advantage of the expence saved; and that though the strength of the troops be not encreased in proportion to the encrease of the cost, yet the additional security against a great loss may justly entitle the most expensive regulation to the preference.

Suppose 5,000 men to be brought into the field against 6,000, if they can by multiplying their officers at a double expence be enabled to engage successfully a body superior in number by only a sixth part, the nation may be justly said to gain all that would have been lost by suffering a defeat.

That we ought not to chuse a worse method when we can discover a better, is indisputably true, but which method is worse or better, can be discovered only by experience. The last war has taught us, that our troops in their present establishment are superior to the forces of France, but how much they might suffer by any alteration it is not possible to foresee.

Success is gained by courage, and courage is produced by an opinion of superiority; and it may easily be imagined, that our soldiers who judge of their own strength only by experience, imagine their own establishment and discipline advanced to the highest perfection; nor would they expect any other consequences from an alteration of it, but weakness and defeats. It is therefore dangerous to change the model of our forces, because it is dangerous to depress the spirit of our soldiers.

Though it is confessed, Sir, that the French, whose officers are still more numerous, have been conquered by our troops, it must be likewise alledged, that they had yielded us far easier victories had their officers been wanting; for to them are they indebted for their conquests wherever they have been successful, and for their resistance wherever they have been with difficulty defeated; their soldiers are a spiritless herd, and were they not invigorated by the example of their leaders, and restrained by the fear of instant punishment, would fly at the approach of any enemy, without waiting for the attack.

I cannot therefore, Sir, but be of opinion, that ths necessity of a large number of officers may be learned even from the behaviour of those troops which have been unsuccessful; since it is certain, that though they have been often overcome, they have generally resisted with great steadiness, and retired with great order.

If those who are only speculative warriors shall imagine that their arguments are not confuted, I can only repeat what I declared when I first attempted to deliver my sentiments in this debate, that I do not pretend to be very skilful in the arts of disputation. I, who claim no other title than that of an old soldier, cannot hope to prevail much by my oratory; it is enough for me that I am confident of confuting those arguments in the field, which I oppose in parliament.

Mr. *Henry Fox:*

Sir; I am far from thinking that this question has been hitherto fully explained by those who have either considered it only as a dispute about money, or a question merely speculative concerning the proportions between different degrees of expence, and probability of success. In a war of this kind expence is the last and lowest consideration, and where experience may be consulted, the conjectures of speculation ought to have no weight.

The method, Sir, by which our troops have hitherto been regulated, is well known to have produced success beyond our expectations, to have exalted us to the

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arbitration of the world, to have reduced the French to change their threats of forcing a monarch upon us into petitions for peace, and to have established the liberties of almost every nation of the world that can call itself free.

Whether this method, Sir, so successful, so easy, and so formidable, shall be changed; whether it shall be changed at a time when the whole continent is in commotion, and every nation calling soldiers to its standard; when the French, recovered from their defeats, seem to have forgotten the force of that hand that crushed them in the pride of victory, when they seem to be reviving their former designs, and rekindling their extinguished ambition; whether at such a time the regulations of our army shall be changed to save, upon the highest computation, only 30,000*l.* is the present question.

On such a question, Sir, I cannot observe, without astonishment, any man deliberating for a single moment. To suspend our opinion in this case, would be to balance our lives, our liberties, our patrimonies, and our posterity, against 30,000*l.*

The effects of our present method, Sir, are well known to ourselves, our confederates, our enemies, to every man that has heard the name of Blenheim and Ramelies; the consequences of the establishment, now contended for, our most experienced commanders own themselves unable to foresee, and I am far from believing that theoretical disquisitions can enable any man to make great discoveries in military affairs.

Our own inexperience of the method which is so warmly recommended, is not the strongest objection to it, though even this ought, in my opinion, to restrain us from trying it at this hazardous conjuncture. But since arguments, merely negative, may be thought overbalanced by the prospect of saving money, I shall lay before the House, what effects the want of officers has produced with regard to those nations, whose poverty has laid them under a necessity of parsimonious establishments.

When the Germans were defeated by the French in the late war, I was at the court of Turin, where the battle was, as it may easily be supposed, the reigning subject of conversation, and where they did not want opportunities of informing themselves minutely of all the circumstances which contribute to the event; it was there, Sir, universally determined, that the Germans lost the day merely for want of officers.

It was observed also, Sir, that some troops which were once courted and feared by all the neighbouring potentates, had lost their reputation in latter times, of which no reason could be alledged, but that they had lessened the number of their officers; such is the change in the model of the Walloons, and such is the consequence produced by it.

I am very far, Sir, from thinking, that reason is not to be consulted in military operations as in other affairs, and have no less satisfaction than the learned gentleman who spoke last but one, in clear and demonstrative deductions; but in this question, reason itself informs me, that regard ought only to be had to experience, and that authority unsupported by practice, ought to have no prevalence.

I shall therefore, Sir, make no enquiry into the abilities of the generals by whom these contrary opinions are defended, nor draw any parallel between their actions or their knowledge. It is sufficient for me that the one is proposing a new scheme, and that the opinion of the other can plead the practice of king William, and the duke of Marlborough, and the success of the last war.

Yet, Sir, if parsimony be a virtue at this time so eminently necessary, it may be urged in favour of this estimate, that it will be less expensive than those that have been formerly offered; and that as all changes ought to be gradual, this may be considered as the first step towards a general reduction of the public charge.

Mr. *George Heathcote:*

Sir; it was not without astonishment that I heard the hon. gentleman who spoke lately, conclude his remarks with an attempt to renew our apprehensions of the Pretender, a chimerical invader, and an enemy in the clouds, without spirit, and without forces, without dominions, without money, and without allies; a miserable fugitive that has not a friend in this kingdom, or none but such as are exasperated by those, whom the men, that mention him with so much terror, are attempting to vindicate.

The vanity, Sir, of such fears, the folly of admitting them if they are real, and of counterfeiting them if they are false, has been sufficiently exposed in this debate, by my hon. friend; but as he thought it unnecessary to employ arguments in proof

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of what cannot be denied, and believed it sufficient to ridicule a panic which he supposed merely political, I, who judge, perhaps, more favourably of the sincerity of some, and more tenderly of the cowardice of others, shall endeavour to shew, that the frequent revolutions which have happened in this nation, afford us no reason for fearing another equally sudden and unforeseen in favour of the Pretender.

The government, Sir, is always stronger, as it is complicated with the private interest of more individuals; because, though there are few that have comprehension sufficient to discern the general advantage of the community, almost every man is capable of attending to his own; and though not many have virtue to stand up in opposition to the approach of general calamities, of which every one may hope to exempt himself from his particular share, yet the most sanguine are alarmed, and the most indolent awakened at any danger which threatens themselves, and will exert their utmost power to obviate or escape it.

For this reason, Sir, I have long considered the public funds established in this nation, as a barrier to the government, which cannot easily be broken: a foreign prince cannot now be placed upon the throne, but in opposition almost to every wealthy man, who having trusted the government with his money, has reposited a pledge of his own fidelity.

But to this gentleman, Sir, whom I am now answering, arguments can be of very little importance; because, by his own confession, he is retained as a mere machine, to speak at the direction of another, and to utter sentiments which he never conceived, and which his hesitation and abrupt conclusion, shews him to admit with very little examination. He had not even allowed himself time to know the opinion which he was to assert, or to imprint upon his memory those arguments to which he was to add the sanction of his authority. He seems to have boldly promised to speak, and then to have inquired what he was to say. Yet has this gentleman often declaimed here with all the apparent ardour of integrity, and been heard with that regard which is only due to virtue and independence.

Some of his assertions are such, however, as require confutation; which is, perhaps, more necessary, since he has produced an authority for them, which many of those who heard him, may think of much greater weight than his own. He affirms, That we can suffer only by an invasion, and infers from his position, that we need only to guard our own coasts. I am of an opinion very different, and having not yet prevailed upon myself to receive notes from any other person, cannot forbear to speak what I think, and what the public prosperity requires to be generally known. We may surely suffer by many other causes, by the ignorance or treachery, or cowardice of the ministry, by the negligence of that person to whom this gentleman was probably indebted for his notes. We may suffer by the loss of our sugar colonies, which may be justly valued at ten millions.

These plantations, which afford us almost all the profitable trade that is now left us, have been exposed to the insults of the enemy, without any other guard than two ships, almost unfit for service. They have been left to the protection of chance, with no other security, at a time when the Spaniards had fitted out a squadron, to infest and ravage our West Indian colonies.

The admiral, who was sent into the West Indies, was confined for almost a year in the ports, without forces, ships, or ammunition, which yet might have been sent in a few months, had not pretences of delay been studiously invented, had not the preparations been obstructed by clandestine expedients, and had not every man been tacitly assured, that he should recommend himself to his superiors, by raising difficulties, rather than by removing them.

Such was the conduct of those, who now stand up in the face of their country; and, without diffidence or shame, boast of their zeal, their assiduity, and their dispatch; who proclaim with an air of triumphant innocence, that no art or diligence could have been more expeditious, and that the embarkation was only impeded by the seasons and the winds.

With assertions equally intrepid, and arguments equally contemptible, has the same person, who boasted his expedition, endeavoured to defend the establishment of new regiments, in opposition to the practice of foreign nations, and to the opinion of the greatest general among us; and, to shew how little he fears confutation, has recommended his scheme on account of its frugality.

It is not to be wondered, Sir, that such an orator should undertake to defend the model of the troops sent to the West Indies, that he should prefer boys to vete-

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rans, and assert the propriety of intrusting new levies to unexperienced commanders; for he has given us in this debate such proofs of controversial courage, that nothing can be now imagined too arduous for him to attempt.

His strength, Sir, is indeed not equal to his spirit, and he is frequently unsuccessful in his most vigorous efforts; but it must be confessed that he is generally overborn only by the force of truth, by a power which few can resist so resolutely as himself, and which therefore, though it makes no impression upon him, prevails upon others to leave him sometimes alone in the vindication of his position.

The examples, Sir, of those noble persons who were advanced early to commissions, will be produced by him without effect, because the cases are by no means parallel. They were not invested with command till they had spent some time in the service, and exhibited proofs of their courage and their capacity; and it cannot be doubted, but some men may discover at seventeen more merit, than others in the full strength of manhood.

But, Sir, there is another consideration of more importance, which will annihilate the parallel, and destroy the argument founded upon it. At the time in which these persons were preferred, the nation had but newly seen an army, and had therefore very few old officers whose experience could be trusted, or whose services required to be rewarded: the ministers were obliged to select those, who, though they did not understand the military sciences, were likely to attain them in a short time, and the event has sufficiently proved, that in the choice no greater regard was paid to interest than to judgment.

It was prudent likewise, Sir, to choose young persons, supposing their abilities equal with those of others, because the nation was likely to possess them longer, and would not be reduced by an interval of peace to make war again with raw forces under the direction of ignorant commanders.

But this provision, however reasonable, the wisdom of this ministry has found means to defeat, by detaining at home the disciplined troops, and depriving the most experienced generals of their commands, at a time when they are most necessary, at a time when the whole world is in arms, when the ambition of France is reviving its claims, and the Spaniards are preparing to invade our colonies.

But, Sir, though our generals are discarded, we are sufficiently informed, that it is not because we are imagined to be in a state of safety; for the increase of our army betrays our fear, of which whether it will be dispelled or encreased by such measures, it is not difficult to determine.

An army thus numerous, Sir, is, in my opinion, and of every honest Briton, of every one that reveres the constitution, or loves his liberty, an evil more to be dreaded, than any from which we can be defended by it. The most unpopular act of the most unpopular of our monarchs, was the establishment of a standing army; nor do I know any thing to be feared from the advancement of the dreadful Pretender to the throne, but that he will govern the nation with an armed force.

If our troops continue to be increased, which we may reasonably suspect, since, if arguments like these be admitted, pretences for augmentations can never be wanting, the consequences are easily foreseen; they will grow too numerous to be quartered in the towns, and, with an affectation of easing them of such unwelcome guests, it will be proposed that after having spent the summer in a camp, they shall retire in winter to barracks. Then will the burthen of a standing army be imposed for ever on the nation; then may our liberties be openly invaded, and those who now oppress us by the power only of money, will then throw aside the mask, and deliver themselves from the constraint of hypocrisy; those who now sooth us with promises and protestations, will then intimidate us with threatenings, and perhaps, revenge the opposition of their schemes by persecution and sequestrations.

Lord *Gage*:*

Sir; if the weakness of arguments proved the insincerity of those who pro-

* The following report of lord Gage's Speech appeared in the London Magazine for June 1741.

Sir; the hon. gentleman that made the motion for an augmentation to our present army, of seven regiments of foot, did plainly tell you at the same time, that he did likewise intend to propose the raising also of four regiments more of marines: But as I am against every part of the motion already made, so I shall be against that intended to be made. I am against this augmentation of troops, because no one reason has been given to shew the necessity of it; and was it necessary, I should be for the adding of fifteen or twenty men to

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duce them, I should be inclined to suspect the advocates for the establishment of new regiments, of designs very different from the defence of their country; but as their intentions cannot be known, they cannot be censured, and I shall therefore confine myself to an examination of their reasons, which they have offered, and the authorities which they have cited.

The German general, who has been mentioned on this occasion, with so much regard, is not less known to me than to the

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the companies now in being, rather than the raising of new corps or regiments, which will be not only the most burdensome and expensive way to the nation, but may also prove the most dangerous to our constitution.

The hon. gentleman that opened this debate, seemed to hint that these additional troops would, in reality, be no augmentation to our army, being only to replace those sent abroad on the late expedition to America. But I hope he will forgive me, if I say, that it is a fallacious way of arguing, and not true in fact. It is true, indeed, they are pretty equal in number to those sent abroad, but they are so many more than the parliament last year ever intended keeping on foot in England; for those very troops sent on the expedition, were raised with no other view than to be sent abroad, so that, in reality, this is an addition of so many more men. And I am so far from agreeing to the raising of more forces, that I would not even consent to the keeping up the present number of useless troops, was it not with a view of making them of some service to their country, by addressing his majesty to employ some of the marching regiments as marines on board some of the men of war.

But now I am talking of marines, where is the necessity, supposing it was even requisite marines should be raised, that it should be done by way of regiments, to put to unnecessary charges a nation already groaning under the heavy load of taxes, duties and excises? Why not rather as independent companies, and so to be sent on board such ships where there may be a deficiency of sailors, by which means not only the pay of the colonels, lieutenant colonels, majors, &c. would be saved, but also there would be more seamen spared for the merchants carrying on their trade? But as I do not at present think any additional marines needful, there being, as I said before, marching regiments sufficient that may be spared, to be employed that way in case of necessity, so I never will be for keeping on foot a single company more than is requisite for the support of the government. But when instead of that, I think, the too great increase of the army may become its subversion, by making slaves of a free people, I shall always oppose it; and to shew the gentlemen of this House from history, how all free countries have been enslaved by armies, would be taking up of their time to no purpose, and telling them what they know better than myself.

I must own, Sir, I can see but one reason for raising, at this present juncture, this additional number of troops, and that is, to strengthen the hands of the minister against the next elections, by giving him the power of disposing of commissions to the sons, brothers, nephews, cousins, and friends of such as have interest in boroughs, into some of which, perhaps, troops may be sent to procure the free election of their members, in imitation of the late Czarina sending her troops into Poland to secure the free election of a king. But still there is one thing more fatal than all I have yet named, that must be the consequence of so great a body of troops being kept on foot in England, and will be the finishing stroke to all our liberties. For as the towns in England will not be able much longer to contain quarters for them, most of those who keep public houses being near ruined by soldiers billeted on them; so on pretence of the necessity of it, barracks will be built for quartering them, which will be as so many fortresses, with strong garrisons in them, erected in all parts of England, which can tend to nothing, but by degrees to subdue and enslave the kingdom. But if ever this scheme should be attempted, it will be incumbent on every Englishman to endeavour to prevent it by all methods; and as it would be the last stand that could be ever made for our liberties, rather than suffer it to be put in execution, it would be our duty to draw our swords, and never put them up till our liberties were secured, and the authors of our intended slavery brought to condign punishment.

Sir, in answer to what the hon. gentleman mentioned, who said, there was not only a possibility, but a probability of the French attempting very soon to invade England, I will not dispute that point with him, though I do not believe it, but will, for argument sake, grant it to be true, and therefore will, on that supposition, beg the general that spoke lately, and said that the raising of troops in regiments would be of more service than by adding a number of men to each company of the regiments now in being, to answer me this question. Whether, if he was a prince of a small territory, and knew he was to be attacked by 8,000 men, and was very poor, and had very little money to spare, he would not rather chuse for his defence to raise 10,000 men, by adding more men to every company, than only to raise 5,000 in the method he proposed, since the 5,000, with so great a number of officers, would cost as much as the 10,000 in the other way? But as I am persuaded, without waiting for the gentleman's answer, that he would chuse the 10,000, so I beg leave to bring it to a comparison of the present situation of our affairs at home.

England is indebted 48 millions; (though after near 30 years peace) there is no one thing left that can be taxed, but what has already

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honourable gentleman; nor have I been less diligent to improve the hours in which I enjoyed his friendship and conversation. Among other questions which my familiarity with him intitled me to propose, I have asked him to what causes he imputed the ill success of the last war, and he frankly ascribed the miscarriages of it to the unhappy divisions by which the German counsels were at that time embarrassed.

Faction produces nearly the same consequence in all countries, and had then influenced the imperial court, as of late the court of Great Britain, to dismiss the most able and experienced commanders, and to intrust the conduct of the war to men unequal to the undertaking; who, when they were defeated for want of skill, endeavoured to persuade their patrons and their countrymen, that they lost the victory for want of officers.

They might, perhaps, think of their countrymen, what our ministers seem to imagine of us, that to gain belief among them, it was sufficient to assert boldly, that they had not any memory of past transactions, and that therefore they could not observe, that the same troops were victorious under Eugene, which were defeated under the direction of his successors; nor could discover that the regulation was the same, where the effects were different.

Thus in every place, it is the practice of men in power, to blind the people by false representations, and to impute the public calamities rather to any other cause than their own misconduct. It is every where equally their practice, to oppress and obscure those who owe their greatness to their virtue or abilities, because they can never be reduced to blind obedience, or taught to be creatures of the ministry; because men who can discover truth, will sometimes speak it, and because those are best qualified to deceive others, who can be persuaded that they are contending for the right.

But it is surely time for this nation to rouze from indolence, and resolve to put an end to frauds that have been so long known. It is time to watch with more vigilance the distribution of the public treasure, and to consider rather how to contract the national expences, than upon what pretences new offices may be erected, and new dependences created. It is time to consider how our debts may be lessened, and by what expedients our taxes may be diminished.

Our taxes, Sir, are such at present, as perhaps no nation was ever loaded with before; such as never were paid to raise forces against an invader, or imposed by the insolence of victory upon a conquered people. Every gentleman pays to the government more than two thirds of his estate by various exactions—This assertion is received, I see with surprize, by some whose ample patrimonies have exempted them from the necessity of nice

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a heavy duty laid on it, so that with the land tax, duties on salt, leather, soap, candles, and all other things, every freeholder of England pays near 14*s.* in the pound, and if the war continues, there will be no means left for the raising money but by the way of lottery, of which people will soon grow tired, and the last recourse we can have must be to mortgage the Sinking-Fund, which, perhaps, will not answer, by reason, that the produce thereof, by the want of our trade in time of war, will come but to little, and therefore oeconomy is absolutely necessary, and if it is to be determined that troops must be raised, it ought at least to be done in the cheapest manner.

In answer to what another hon. gentleman said, who told the House he had been acquainted by a person of rank in the emperor's service, that the great misfortune that befel the emperor's arms during the last war, was found to be their having too many men in each company; I do not in the least doubt but that he had been told so, but shall beg leave to give other reasons for his having been constantly beat, than those that he has mentioned. It is well known, Sir, that there were factions at the court of Vienna as well as at this, and that there was also there a prime-minister who had acted like ours at home, and that he had quarrelled with the chief and greatest men, and in contradiction to the general voice of the people, acted in his own despotic way, and had laid aside the best generals because they would not be his tools, and employed the bad ones, which I ascribe in great part to be the late emperor's misfortunes in his last wars; and to prove what I say to be true, I appeal to every body's memory, whether the emperor's troops, when commanded by prince Eugene, did not behave well, though at that time there was the same number of men in every company as in the last war; so the fault must be, as I said at first, in the generals. Upon the whole, I am against any augmentation of troops whatsoever, unless I hear better reasons given, (England having already in pay near 72,000 men) but more particularly by the way of eleven more regiments; and, I hope, I shall be forgiven, if during the debate I shall take the liberty of speaking again: for I am determined to fight, inch by inch, every proposition that tends, as I think this does, to the enslaving my country.

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computations, and with an affected appearance of contempt by others, who instead of paying taxes, may be said to receive them, and whose interest it is to keep the nation ignorant of the causes of its misery, and to extenuate those calamities by which themselves are enriched.

But, Sir, to endeavour to confute demonstration by a grin, or to laugh away the deductions of arithmetic, is surely such a degree of effrontery, as nothing but a post of profit can produce; nor is it for the sake of these men, that I shall endeavour to clear up my assertion, for they cannot but be well informed of the state of our taxes, whose chief employment is to receive and to squander the money which arises from them.

It is frequent, Sir, among gentlemen, to mistake the amount of the taxes which are laid upon the nation, by passing over in their estimates all those which are not paid immediately out of the visible rents of their lands, and imagining that they are in no degree interested in the imposts upon manufactures or other commodities: They do not consider that whenever they purchase any thing of which the price is inhanced by duties, those duties are levied upon them; and that there is no difference between paying ten shillings a year in land-taxes, and paying five shillings in land-taxes, and five shillings to manufactures, to be paid by them to the government.

It would be in reality equally rational for a man to please himself with his frugality, by directing half his expences to be paid by his steward; and the event is such as might be expected from such a method of œconomy: for as the steward might probably bring in false accounts, the tradesman commonly adds two-pence to the price of his goods for every penny which is laid on them by the government; as it is easy to shew, particularly in the prices of those two great necessaries of life, candles and leather.

Now, Sir, let any gentleman add to the land-tax, the duties raised from the malt, candles, salt, soap, leather, distilled liquors, and other commodities used in his house; let him add the expences of travelling so far as they are increased by the burthen laid upon inn-keepers, and the extortions of the tradesmen which the excises have occasioned, and he will easily agree with me that he pays more than two thirds of his estate for the support of the government.

It cannot therefore be doubted that it is now necessary to stop in our career of expences, and to enquire how much longer this weight of imposts can possibly be supported. It has already, Sir, depressed our commerce, and over-borne our manufactures; and if it be yet increased, if there be no hope of seeing it alleviated, every wise man will seek a milder government, and enlist himself among slaves that have masters more wise or more compassionate.

We ought to consider, Sir, whether some of our present expences are not superfluous or detrimental, whether many of our offices are not merely pensions without employment, and whether multitudes do not receive salaries, who serve the government only by their interest and their votes. Such offices, if they are found, ought immediately to be abolished, and such salaries withdrawn, by which a fund might be now established for maintaining the war, and afterwards for the payment of our debts.

It is now, Sir, in my opinion, a question whether we shall choose the dearest or the cheapest method of encreasing our forces, for it seems to me not possible to supply any new expences. New troops will require more money to raise and to pay them, and more money can only be obtained by new taxes; but what now remains to be taxed, or what tax can be increased? the only resource left us is a lottery, and whether that will succeed is likewise a lottery; but though folly and credulity should once more operate according to our wishes, the nation is in the mean time impoverished, and at last lotteries must certainly fail like other expedients. When the public wealth is entirely exhausted, artifice and violence will be equally vain. And though the troops may possibly be raised according to the estimate, I know not how we shall pay them, or from what fund, yet unmortgaged, the officers who will be entailed upon us, can hope to receive their half-pay.

For my part, Sir, I think the question so easy to be decided, that I am astonished to see it the subject of a debate, and imagine that the controversy might be ended only by asking the gentleman, on whose opinion all his party appear to rely without any knowledge or conviction of their own, whether, if he were to defend a nation from its enemies, and could procure only a small sum for the war, he would not model his forces by the cheapest method.

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Mr. *Sloper:*

Sir; I cannot, without the highest satisfaction, observe any advances made in useful knowledge, by my fellow-subjects, as the glory of such attainments must add to the reputation of the kingdom which gives rise to such elevated abilities.

This satisfaction I have received from the observations of the right hon. member, whose accurate computations cannot but promise great improvements of the doctrine of arithmetic; nor can I forbear to solicit him, for the sake of the public, to take into his consideration the present methods of traffic used by our merchants, and to strike out some more commodious method of stating the accompts between these two contending parties debtor and creditor. This he would doubtless execute with great reputation, who has proved from the state of our taxes, that new forces require new funds, and that new funds cannot be established without a lottery.

I am, indeed, inclined to differ from him in the last of his positions, and believe the nation not yet so much exhausted, but that it may easily bear the expence of the war; and shall therefore vote for that establishment of our troops which will be most likely to procure success, without the least apprehension of being censured either by the present age, or by posterity, as a machine of the ministry, or an oppressor of my country.

General *Wade* spoke again:

Sir; since the right hon. member has been pleased to insinuate, that by answering a plain question I may put an end to the debate, I am willing to give a proof of my desire to promote unanimity in our councils, and dispatch in our affairs, by complying with his proposal.

If I were obliged with a small sum to raise an army for the defence of a kingdom, I should undoubtedly proceed with the utmost frugality; but this noble person's ideas of frugality would, perhaps, be very different from mine; he would think these expences superfluous, which to me would seem indispensibly necessary, and though we should both intend the preservation of the country, we should provide for its security by different methods.

He would employ the money in such a manner as might procure the greatest numbers; I should make my first enquiry after the most skilful officers, and should imagine myself obliged by my fidelity to the nation, that entrusted me with its defence, to procure their assistance, though at a high price.

It is not easy for persons who have never seen a battle or a siege, whatever may be their natural abilities, or however cultivated by reading and contemplation, to conceive the advantage of discipline and regularity, which is such, that a small body of veteran troops will drive before them multitudes of men, perhaps equally bold and resolute with themselves, if they are unacquainted with the rules of war, and unprovided with leaders to direct their motions.

I should therefore, in the case which he has mentioned, prefer discipline to numbers, and rather enter the field with a few troops well governed and well instructed, than with a confused multitude unacquainted with their duty, unable to conduct themselves, and without officers to conduct them.

Mr. *Viner:*

Sir; I am not very solicitous what may be the determination of the House upon this question, because I think it more necessary to resolve against an augmentation of the army, than to enquire, whether it shall be made by one method or another.

Every addition to our troops I consider as some approach towards the establishment of arbitrary power, as it is an alienation of part of the British people, by which they are deprived of the benefits of the constitution, and subjected to rigorous laws, from which every other individual is exempt.

The principal of these laws, which all the rest are intended to enforce, requires from every soldier an unlimited and absolute obedience to the commands of his officers, who hold their commissions, and expect advancement by the same compliance with the orders of the ministry.

The danger of adding to the number of men, thus separated from their fellow subjects, and directed by the arbitrary determinations of their officers, has been often explained with great strength and perspicuity; nor should I have taken this occasion of recalling it to the attention of the House, but that I think it a consideration, to which, in all debates on the army, the first regard ought to be paid.

Colonel *Mordaunt:*

Sir; the objection which the hon. gentleman has raised, will be most easily removed, by considering the words of the

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act by which the military authority is established; where it is by no means declared that either officers or soldiers are obliged indiscriminately to obey all the orders which they shall receive, but that they shall, on pain of the punishments there enacted, obey all the lawful orders of their commander.

The obedience therefore, Sir, required from a soldier, is an obedience according to law, like that of any other Briton, unless it can be imagined that the word lawful is in that place without a meaning. Nor does his condition differ from that of his fellow-subjects by an exemption from any law, but by a greater number of duties, and stricter obligations to the performance of them; and I am not able to conceive how our constitution can be endangered by augmenting an army, which, as it can only act in conformity to it, can act only in defence of it.

The question being put, "That an additional number of Land-Forces, not exceeding 5,705 men, commission and non-commission officers included, be raised for the service of the year 1741;" it passed by 232 against 166. The other Resolutions were agreed to.

*Debate in the Commons on the Employment of the Half-Pay Officers.**] Dec. 12. Mr. Sandys moved, "That an humble Address be presented to his majesty, that, for the present and future ease of his majesty's subjects, he would be graciously pleased to employ in the army all such persons as now remain upon half-pay," and supported it as follows:

Mr. *Sandys:*

Sir; though I have often known motions opposed without any just objections, or at least without any proof of such inconveniences likely to arise from them, as were equivalent to the advantages which they would have produced, yet I cannot but confess, that any opposition to this will be unexpected and surprising; for it is, in my opinion, supported by every law of justice and humanity. If we regard the public in general, it cannot but produce some alleviation of the national expence; and if we consider the particular persons to whom it immediately relates, they have certainly a just claim to that regard, which it is the tendency of this motion to procure them.

To burthen with superfluous officers, and unnecessary expences, a people already overwhelmed with taxes, and overrun with the dependents on the crown, is surely to the highest degree cruel and absurd. And to condemn those men to contempt and penury, who have served their country with bravery and fidelity, to prefer unexperienced striplings to those commissions which would gladly be accepted by men who have already tried their courage in the battle, and borne the fatigues of marches, and the change of climates, is surely not only to oppress the deserving, and scatter promotion without just distinction; but, what is yet more enormous, it is to wanton with the public safety, and expose us to our enemies.

Nor does it appear to me sufficient, that the veteran officers be restored to the commissions which they formerly enjoyed; they ought, upon an augmentation of our troops, to be recompenced by some advancement for their services and their sufferings; the ensign ought to become a lieutenant, and the lieutenant be exalted to a captain; stations which they will surely fill with more dignity and greater abilities, than boys newly discharged from school and entrusted with unexpected authority.

If it be reasonable, Sir, that expence should be spared in a time of general poverty; if it be politic to carry on war in the manner most likely to produce success; if it be just, that those who have served their country should be preferred to those who have no merit to boast, this motion cannot be rejected.

Sir *William Yonge:*

Sir; to the motion now made, it will not I believe be objected, that it is unreasonable, or unjust, but that it is unnecessary, and that it is not drawn up with sufficient consideration.

It is unnecessary, because his majesty is advised by it to no other measures than those which he has already determined to pursue; for he has declared to me, Sir, his intention of conferring the new commissions upon the officers who receive half pay, before any other officers shall be promoted.

The motion appears to me not to be very attentively considered, or drawn up with great propriety of expression; for it supposes all the half-pay officers fit for the

* From the Gentleman's Magazine; compiled by Dr. Johnson.

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service, which cannot be imagined by any man, who considers that there has been peace for almost thirty years; a space of time, in which many vigorous constitutions must have declined, and many who were once well qualified for command, must be disabled by the infirmities of age. Nor is the promotion of one of these gentlemen considered always as an act of favour, many of them have in this long interval of peace engaged in methods of life very little consistent with military employments, many of them have families which demand their care, and which they would not forsake for any advantages which a new commission could afford them, and therefore it would not be very consistent with humanity to force them into new dangers and fatigues, which they are now unable to support.

With regard to these men, compassion and kindness seem to require that they should be suffered to spend their few remaining days without interruption, and that the dangers and toils of their youth should be requited in their age with ease and retirement.

There are others who have less claim to the regard of the public, and who may be passed by in the distribution of new preferments without the imputation of neglecting merit. These are they who have voluntarily resigned their commissions for the sake of half-pay, and have preferred indolence and retreat to the service of their country.

So that it appears, that of those who now subsist upon half-pay, some are unable to execute a commission, some do not desire, and some do not deserve it, and with regard to the remaining part, which can be no great number, I have already declared the intention of his majesty, and therefore cannot but conclude that the motion is needless.

Mr. *Pulteney:*

Sir; I know not by what fatality it is, that all the motions made by one party are reasonable and necessary, and all that are unhappily offered by the other, are discovered either to be needless or of pernicious tendency. Whenever a question can be clouded and perplexed, the opponents of the ministry are always mistaken, confuted, and in consequence of the confutations defeated by the majority of votes. When truth is too notorious to be denied, and too obvious to be contested, the administration always claim the honour of the first discovery, and will never own that they were incited to their duty by the remonstrances of their opponents, though they never before those remonstrances had discovered the least intention of performing it.

But that the motion is allowed to be just and proper, is sufficient, the importance of it will be easily discovered. For my part I shall always consider that motion as important, which tends to contract the expences of the public, to rescue merit from neglect, and to hinder the increase of the dependents on the ministry.

Sir *Robert Walpole:*

Sir; there is no temper more opposite to that incessant attention to the welfare of the public, which is the perpetual boast of those who have signalized themselves by opposing the measures of the administration, than a lust of contradiction, and a disposition to disturb this assembly with superfluous debates.

Whether this disposition is not discovered in the reply made to the declaration of his majesty's intentions, and the confession of the propriety of the motion, let the House determine. It must surely be confessed, that it is not necessary to advise what is already determined.

Nor is it less evident, that many of the officers whose interest is now so warmly solicited, must be incapacitated by their age for service, and unable to receive any benefit from the offer of new commissions. To deny this, is to question the flux of time, or to imagine that the constitution of a soldier is exempt from its injuries.

Mr. *Sandys:*

Sir; I am far from intending by this motion to fill the army with decrepid officers, or to obstruct in any manner the service of the public; nor have I any other intention, than to secure to those whose years permit, and whose inclinations incite them to enter once more into the army, that preferment to which they have a claim, not only from their past services, but from the state of penury and obscurity in which they have languished.

I desire to preserve those whose valour has heretofore made our nation the terror of the world, from the mortification of seeing themselves insulted by childhood, and commanded by ignorance; by ignorance exalted to authority, by the countenance of some rhetorician of the House, or some mayor of a borough.

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Whoever has observed the late distribution of military honours, will easily discover that they have been attained by qualifications very different from bravery, or knowledge of the art of war; he will find that regiments and companies are the rewards of a seasonable vote, and that no man can preserve his post in the army, whether given him as the reward of acknowledged merit, or sold him for the full value, any longer than he employs all his influence in favour of the ministry.

Sir Robert Walpole:

Sir; it has been already admitted, that the motion can only be objected to as superfluous, and therefore all farther debate is mere waste of time without any prospect of advantage, nor is any thing now necessary, but to review the motion, and correct such expressions as may be thought inaccurate or improper.

That all the half-pay officers are not able to enter into the service, has been already shewn, and therefore I should imagine, that instead of all the officers, we might very justly substitute 'officers properly qualified.'

Sir *John Barnard:*

Sir; though I cannot discover the necessity of any alteration, since it cannot be conceived that the parliament can advise impossibilities, yet since so much accuracy is affected, it may be allowed that the word 'all' shall be left out, as seeming to imply more than can be intended.

But the hon. gentleman is not, in my opinion, so happy in his amendment, as in his objection; for the words 'properly qualified' convey to me no distinct idea. He that is qualified, is, I suppose, properly qualified, for I never heard of improper qualifications; but if the word 'properly' be omitted, I have no objection to the amendment.

Resolved, nem. con. "That an humble Address be presented to his majesty, that, for the present and future ease of his majesty's subjects, he would be graciously pleased to employ in his army such persons as now remain upon half pay, who are qualified to serve his majesty."

Debate in the Lords on the King's Answer to an Address for the Issue of the Prince of Wales to be prayed for.] Jan. 12, 1741. The Earl of Chesterfield* moved, that an humble Address be presented to his majesty, "That he will be graciously pleased to give directions, that the Issue of their royal highnesses the prince and princess of Wales be inserted

* *From the Secker Manuscript.*

Jan. 12. *Chesterfield.* Moved for an Address, that the king will order the issue of the prince and princess of Wales, to be inserted in that part of the Common Prayer which relates to the royal family: said this was done in the late king's time, and that it would have been proper for the prelates to have taken care of it now.

Bishop of *Sarum.* Provision is made by law for his majesty to make alterations, and the bishops have no concern in the matter.

Chesterfield. They have no power: but this alteration might have been suggested by them.

The Motion agreed to unanimously.

Jan. 16. *Halifax.* Too much indisposed to speak fully to the subject upon which he had desired the House to be summoned. His majesty's Answer to the Address about the prince's issue being prayed for, viz. that he would give order about it in due time, improper. Motion, "To Address the king to acquaint the House who had advised him to give that answer."

Sandwich. The Answers of the king are the answers of the minister. Able and upright ministers of late, much less the produce of England than other countries. If a minister grow luxuriant, to crop the branches will be salutary to the field beneath and to the service of the tree. This Answer is saying, that if the thing be done, it will not be done at our request. You will not suffer surely your privileges to be trampled on, by one who out of gratitude ought at least to treat you with common decency.

Raymond. 'In due time' implies it will be done.

Chesterfield. I in some degree repent of making the motion. It hath occasioned one of the greatest slights, though not the first by many that have been put upon us. Our constitution and my knowledge of his majesty's regard for the House, makes me look upon this as the advice of the minister. In other cases the minister might know it was not a proper time, but in this the first time was demonstrably the proper time. In the late reign, persons in the same situation were prayed for immediately after the accession. What more natural and universally expected than the same thing now. But it might arise more naturally from another, than the king: It might escape him. It would have been a proper compliment to represent it to him. And it was mentioned in this House two years ago. [See vol. 10, p. 1362.] The Answer implies it is not a due time, and is very little different from that when a bill is refused. And it can be given only, because you have advised; there may be a consciousness that

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in the prayers for the royal family, in the book of Common Prayer." Ordered.

Jan. 14. The earl Fitzwalter reported, "That the Lords with white staves had (according to order) presented to his majesty the address of this House on Monday last, that he would be pleased to give directions that the issue of their royal highnesses the prince and princess of Wales be inserted in the prayers for the royal family, in the book of Common Prayer; and that his majesty was pleased to say, He would give proper directions thereupon in due time."

Jan. 16. Lord Halifax moved, "To order, that an humble Address be presented to his majesty, that he will be graciously pleased to acquaint this House, who advised him to return the Answer given to the most dutiful Address for inserting the issue of their royal highnesses the prince and princess of Wales, in the prayers for the royal family, in the book of Common Prayer."

And a question being stated thereupon; after debate, the House adjourned.

Debate in the Lords on an Address for Extracts of Treaties from 1714 *to* 1740.]*

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the crown hath never acted so long contrary to the advice that would have been given, if any had been given. And this is checking it in the most unexceptionable instance. This part of the royal family can have given no offence. They cannot even pray for themselves. And all that can be done for them, is to pray for them. And that is denied them. We are treated thus: The other House hath been singly applied to: hath been called the Parliament, and in many instances since hath been treated as such. But *Rode caper vitem.*

Wilmington. President.* The king was advised to give this Answer with great regard to the dignity of the crown, and every branch of the royal family. The request was never designed to be denied or delayed: But the younger children of the crown are now named in the Prayers, and there may be a difficulty in settling the precedence. Not a moment's time was lost in applying to the archbishop to search former editions of the Prayer Book, in examining the statute of precedency and several other books. Seldom declines going into the question, but refers to about 60 authors: amongst others the codes of Justinian and Theodosius, and we must have recourse to the civil law where the laws of our own country are silent. If the words, 'due time' had not been used, directions might have been expected immediately. And it was not known whether this could be done before the next council or not: I cannot tell whether your lordships will think this advice deserves a censure, but I own that I gave it.

Lovel. Clear the House.

Abingdon. Standing Orders not necessary to be enforced whilst persons behave with decency.

The occasion of this was, that the archbishop, who was about to speak, was quite hid by persons standing before him. At length with very great difficulty the House was entirely cleared.

Potter, Archbishop. I was employed to search into former Prayer Books, and have made some progress: The House may see the papers if they please.

Lords. No: no.

Argyle. Every body hath thought it an odd Answer, designed to shew that the advice of the House should not be regarded. Now, it appears in a different light, but the president's explaining it, shews it wanted explaining. Could have wished the king had thanked the House, and said the thing should be done as soon as it could.

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* The invaluable Manuscript from which this Debate is copied, serves to correct a material error into which Tindal has fallen; who says, that this speech of the earl of Wilmington took place on the 14th of May 1739, upon the third reading of the King's Children Annuity Bill; and adds, "that this generous, frank declaration of the noble earl had the desired effect, and the Bill passed without further opposition." See the Note to vol. 10, p. 1362, of this work.

* *From the Secker Manuscript.*

Jan. 20. Standing orders of the House read. No. 17, 20, 24, 25, 62, 77, read twice over at the duke of Argyle's request.

Chesterfield. Let Lords take their places.

Gower. Read the List of Peers.

Then the temporal Lords were called over, beginning with the Chancellor. And after the lowest Baron, the Archbishops and Bishops.

The Earl Bench being filled with Dukes as far as the Cross Bench,

Shaftesbury. There ought to be no Dukes on the Cross Bench.

Abingdon. I have seen the House placed by Garter King at Arms, and lords were placed upon the Earl's Bench as far as the Cross Bench; then upon the Cross Bench.

Thus, then, they were placed for the present.

Argyle. This administration hath outdone all preceding ones, in the number of their Treaties. And the consequence hath been, that the whole system of politics in Europe hath been changed. We have not one ally, unless it be France, the most powerful one in the universe. There must be some complaisance shewn to

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January 19. After debate, it was ordered, "That an humble Address be presented to his majesty, That he will be graciously pleased to give directions to the proper officer, to lay before this House, Extracts of all the Treaties concluded between the crown of Great Britain and any other of the powers of Europe, from the time of his late majesty king George the first's happy accession to the throne, to the year 1740, which have already been communicated to either House of parliament, so far only as

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such a one. Accordingly, we have facilitated whatever the French desired. Some may think our ally will not be so kind to us as may be expected. But though they have not yet assisted you, surely they soon will shew us the good effects of having courted them. We have been peculiarly fond of subsidy treaties, and shall probably have some more at the end of this session. It may be instructive, and possibly entertaining, to see such as have been made therefore.

Motion "To address the King for Extracts of all treaties made by the crown from 1714 to 1740, so far only as they relate to mutual Guarantees and Subsidies."

Newcastle. Not many treaties for some years past. There may possibly be inconveniences from this motion. Suppose any conditional treaty hath been made, not that I recollect any such disagreeable to any power, and the case it was made to provide for, hath never existed. The changes in Europe are owing to the unhappy conclusion of the war in the queen's time, which put all princes on patching as well as they could. Except two subsidy treaties with Denmark and Hesse, and another 5 or 6 years ago with Denmark alone, since 1730, there hath not been one treaty but the convention. There is not that cordial union amongst princes who ought to be concerned for the balance of Europe as might be wished. Hope when things are at the worst they will mend.

Chesterfield. The intention is to know what engagements we are under to other powers, and *v. v.*

Hardwicke, C. Let the expression be copies or extracts.

Hervey, P. S. And so far as such treaties are still subsisting and in force.

Bedford. Copies, not extracts. The House can make extracts.

Carteret. Extracts were proposed, to have it in a narrow compass. But nothing can be built on extracts. Therefore have both. Treaties not in force may be necessary, to see how things have been managed. Treaties which may be offensive should be kept secret, provisional treaties may be made, and never brought out. The crown not obliged to produce treaties till it asks assistance. In the treaties that are extant, you will see mistakes which may be fatal. The quadruple alliance was a wise and honest measure; by it Orleans maintained his power in France, and this family maintained itself here. But when we came to talk of executing that treaty, we broke the charm. Neutral troops were stipulated to be put in Tuscany, England and France did not care to be at the expence of them. Emperor wanted them to be Germans, Spain to be Spaniards, we referred each of them to the other, and might have kept them in suspence many years longer. But when we introduced Spaniards then the flame broke out.

Ilay. It is a novelty to have copies and extracts called for at the same time. Better when any difficult or dangerous nicety in words arises, to adjourn it to another day.

Hardwicke, C. There is more difficulty in this matter than is apprehended; it is unusual to address at once for copies or extracts of treaties for 26 years. The usual if not constant way hath been to apply for the treaties under consideration. If the address be general, what answer must the king return, if there be any which he thinks not proper to give; must he make exceptions in his answer? If the reason of those exceptions doth not appear, the House will not be satisfied; if it doth, the treaty is disclosed. The words which 'are still sub-'sisting' will not salve the difficulty, 'extracts 'or copies' right. Both will take up too much time, if upon extracts more light be wanted, then ask for a copy, but adjourn the consideration, till a proper question can be formed.

Bathurst. Though there be no occasion to demand money, the House may want to see what engagements ministers have brought the king into. The king will make no exception, but let you know all. If there are treaties that may be offensive, let them be made public.

Newcastle. The House not being unanimous, whether any treaty may be suppressed or no, if the king gives directions pursuant to this motion, how shall they be complied with and obeyed? Adjourn till to-morrow.

Talbot. Then it may be said, there is some person not within these walls whose opinion is wanted. Add 'which have been communicated 'to parliament.' Treaties have been so contradictory, that we are obliged to all Europe, and *v. v.* Let us know what is in force.

Abingdon. Let it not be supposed that nobody is able to form a proper question, or that nothing is to come hither but from one man.

Argyle. I asked for extracts, only in order to deliberate upon future subsidy treaties. Ministers have made treaties with princes who have never had all the money. It is with a bad grace that present ministers, or such as have a mind to succeed them, talk of secrets not proper to trust this House with. The word secrets hath been abused, to the hurt of the people and the good of the minister. The papers that have been already refused, I believe contained things the ministry did not care to stand.

Newcastle. I call God to witness I had no

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any of the said Treaties relate to mutual guaranties and subsidies of any kind whatsoever."

*Debate in the Commons on a Motion for Rear Admiral Haddock's Instructions.**] January 26. Mr. *Waller* rose and said:

Sir; no man who considers the present situation of our affairs, the expence and inefficacy of our military preparations, the appearance of negligence in our naval expeditions, and the general disappointment of the hopes which the nation had conceived of victories, vengeance, and reparations, can, in my opinion, doubt the expediency of the motion which I have taken the liberty to make.

When the expectations of the nation are deceived, it certainly becomes those who are deputed to watch over the prosperity of the public, to enquire whence the disappointment proceeds, and either to inform their constituents that their uneasiness arises from their own error, and that their hopes are destroyed because they had no rational foundation; or to detect the weak management of those by whom the public measures have been ill conducted, or the national treasure has been misapplied.

With regard, Sir, to the present war, I know not how the nation can be charged with having formed unreasonable expectations. If they considered the speech from the throne as the most authentic declaration of the intentions of the government, they found there the warmest resentment of the injuries which they had sustained, and the strongest assurances of a vigorous prosecution of all those measures which might produce speedy recompence and inviolable security.

If they reflect, Sir, on the preparations for war, on the multitude of ships, the demand of materials for naval equipments, and the high prices at which workmen were retained, they could not but imagine that either some mighty attempt was designed, or some formidable enemy dreaded, and as they knew not whom they had to fear, they ascribed the vigour of our proceedings to a resolution of humbling our enemies by one fatal blow, and re-establishing our naval dominion by a single effort.

And justly, Sir, might they indulge this pleasing imagination, with reason might they anticipate a triumph over an enemy whose strength bears no proportion to the force that was fitted out against them, and expect that in a few months they should see the embassadors of Spain supplicating for peace.

To raise their expectations yet higher, their trade was suspended by an embargo, long continued, and in the strictest manner enforced, and the impresses were let loose upon the sailors; they saw nothing omitted, however grievous to the nation, that could contribute to make it formidable, and bore part of the miseries of war without impatience, in hopes of being rewarded by military glory, and repaid by the plunder of Spain.

But, Sir, when so long a time has elapsed, and no account is brought, of either a victory or a battle, when they hear nothing but that our fleets have visited several neutral ports, and those of the enemy sailed unmolested from coast to coast, and when they are every day told of the losses of our merchants, who are insulted in our own channel by the Spanish privateers, and receive no relations of our success upon the shores of our enemies, can it be wondered that they suspect the reality of our designs, or enquire whence it proceeds that their money has been wasted, their trade interrupted and the liberty of their fellow-subjects invaded to no purpose?

But how much more justly, Sir, are they inflamed when they hear of the lucky stratagems, or daring enterprizes of those enemies, which a just sense of their own superiority had induced them to consider as vanquished before the battle, and of whom they had no apprehensions but that their cowardice would always secure them from vengeance? How justly may they murmur when they read that our fleets leave every part of the enemy's coast where their presence is necessary, and have afforded the Spaniards an opportunity of changing one port for another, as it is most convenient, and at length of joining the French squadrons, and sailing to the defence of their American dominions.

May they not justly, Sir, require of their representatives some reason for such in-

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particular treaties, nor consulting any particular person in my view. I like very well all treaties not laid before either House, and move also, that the treaty with Hesse Cassel be laid before the House.

This was agreed to, after some farther debate, without a Division.

* From the Gentleman's Magazine: compiled by Dr. Johnson.

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explicable conduct? May they not reasonably demand an account of the arguments which procured their approbation of measures, which so far as they can be examined by those who have no opportunity of perusing the necessary papers, appear either cowardly or treacherous?

And what answer, Sir, can we return to such remonstrances, unless this motion be agreed to? How can we appease the discontents of our constituents, or discharge the trust reposed in us, without a very minute and attentive enquiry into questions thus obscure, and thus important.

Are we to tell our constituents, that we absolutely rely upon the prudence and fidelity of the ministry and admirals, and recommend to them the same implicit dependance? Are we to confess that we have now for two sessions voted in the dark, and approved what we were not suffered to examine and understand?

Such answers, Sir, to questions so reasonable, will not contribute to increase the veneration of the people either for ourselves or our constitution; and yet this answer, and this only, they can receive from us, if the papers mentioned in my motion are denied: I move, Sir, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions, that there may be laid before this House, copies of the Letters, written by his majesty's Secretary of State, to rear-admiral Haddock, the 14th of February 1739, the 4th of April 1740; and of the Letters received from sir Chaloner Ogle, mentioned therein; together with copies of all Letters, written by rear-admiral Haddock, to either of his majesty's secretaries of state, concerning the said Letters, and the execution of the orders contained therein."

Mr. *Clutterbuck:*

Sir; this motion, though so warmly urged, and so artfully supported, I can consider only as a repetition of a former motion which was approved by this assembly, so far as it could properly be complied with, nor was any paper then concealed which it would not have been an injury to the nation to have divulged.

If the design of this motion be to promote the success of the present war, and the zeal, with which it has been pressed, be incited only by the ardour of true patriotism, I doubt not but it will easily be withdrawn, by those who are now mostly inclined to support it, when they shall reflect that it tends to the discovery of our schemes, and to the overthrow of our designs, that it will expose all our consultations to our enemies, and instruct them how to annoy us with most success, and how to shelter themselves from our intended attacks.

It is the first care, Sir, of every administration, that their military designs should only be discovered by the execution of them, and that their enemies, by being obliged to guard all parts, should be weak in all: if by laying our papers before this House, the Spaniards should come to be informed against what part of their dominions our expeditions are designed, will they not increase their strength, improve their fortifications, and double their vigilance? and if we are thus obliged to form new schemes, must we not impute the defeat of the former to our own imprudent zeal, or unseasonable curiosity?

Mr. *Sandys:*

Sir; that we should demand the schemes laid for the future conduct of the war with Spain was never proposed, nor, as it may reasonably be concluded, ever imagined; for what is mentioned in the motion but the papers relating to the transactions of the two last years?

That it should be necessary to remind gentlemen of the difference between the future and the past, would hardly be suspected by any man not accustomed to parliamentary controversies and artifices of state; and yet in the argument which has been offered against the motion, nothing has been asserted, but that the orders relating to past transactions are not to be laid before us, lest the enemy should thereby gain intelligence of what we now design against them.

The necessity of secrecy in war needs not to be urged, because it will not be denied; but when designs have been laid, and miscarried, the reasons of that miscarriage may surely be enquired into without danger of betraying the counsels of our country.

If the negligence of our counsels, and the misconduct of our commanders has been such, that no designs have been premeditated; if a war has been carried on by chance, and nothing has succeeded because nothing has been attempted; if our commanders have not done ill, and have only done nothing; if they have avoided loss by avoiding danger, we may surely enquire to whom such proceedings are to

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be imputed, whether the defeat of our designs is to be charged upon the strength of the enemy, or the cowardice of our officers; or whether the inactivity and apparent neutrality of our forces, is occasioned by the negligence of our admirals, or the irresolution of our own ministry.

There have been, Sir, many incidents in these two last years, of which the examination can be of very little advantage to the Spaniards; I do not know what pernicious intelligence they can glean from an enquiry into the reasons for which Haddock's fleet was divided, and Ogle sent to the defence of Minorca, or for which he afterwards returned.

Nor can I conceive that any advantage, except that of merriment and diversion, can be thrown into the hands of our enemies, though we should seriously enquire into what no man has yet pretended to understand, the wonderful escape of the Spanish squadron. A transaction on which we had dwelt long enough with that admiration which ignorance produces, and on which it may not be improper at length to enable us to reason.

This is an affair perhaps much better understood by our enemies than by ourselves, and surely we cannot therefore be afraid of informing them of it; at least since the fleet has long since sailed out and left their coast, we can hardly be restrained in our enquiries by the fear of discovering our future designs.

If therefore it be the uncontestable right of the House to examine the conduct of public affairs, which I suppose will scarcely be denied, this motion cannot be rejected as unseasonable, nor can the papers be refused without increasing those suspicions which already are too prevalent throughout the nation.

Nor indeed, for our own sakes, ought we to delay this enquiry any longer, lest by having long acted without being accountable, the minister should form a prescription against our privilege, and in time tell us in plain terms that we are his slaves, and that we are not to presume to carry our examinations, however solemn and important they may continue to appear, further than he shall be pleased to permit; and that whatever may be the opinion of the people that depute us, or whatever ancient claims we may plead to authority, we are now to consider ourselves only as the oppressors of the nation, and the panegyrists of the court.

Mr. *Horatio Walpole:*

Sir; it cannot be denied to be reasonable that all those papers should be laid before the House which can be communicated without injury to the public. Of this number we may justly imagine the orders sent to the admirals, in which the time of their departure is fixed, and many others which may be of use to inform the House, but cannot enable the enemy to judge either of our force, or our designs.

But it is evident that there must be others included in this motion, which our regard for the success of the war, and the prosperity of our country, ought to determine us to conceal, and such as are never exposed by any administration; it is therefore proper to limit the address to papers of a certain kind, or a certain date, which may be considered by the House without benefit to our enemies, and for the examination of which a day or two will be more than sufficient.

Mr. *Pulteney:*

Sir; I know not what number of papers the wisdom of the administration will allow us, but, if we judge by the time proposed to be spent in examination, we shall not be distracted with a great diversity of subjects; intelligence will be very penuriously dealt out, and if we submit to their choice of the writings, which shall be laid before us, our enquiry will probably end without any discoveries made either by our enemies, or ourselves.

But, I hope, Sir, we shall not be so cheaply satisfied, nor exposed by the fear of one enemy, to the insolence of another. I hope we shall resolutely continue our demands of information, while a single line is concealed, from which any light can be expected.

There may indeed be circumstances in which our demands, however loud, will necessarily be vain. It is not impossible that we may suspect those transactions of deep art, and secret contrivance, which have been the consequences of mere indolence, and want of consideration. Our great ministers have been, perhaps, only doing nothing, while we have imagined that they were working out of sight.

Misled, Sir, by this notion, we may call for the orders that have been dispatched in these two last years, when perhaps our secretaries of state have been fattening on their salaries, without employment, and have slept without care and without curiosity, while we have been congratulating

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ourselves upon their vigilance for our preservation.

Or if orders have been given, it is to be considered, that the end of inspecting orders is to compare them with the conduct of the admirals to whom they were directed; from this comparison I doubt not but many gentlemen expect uncommon discoveries; but to check all unreasonable hopes before they have taken possession of their hearts, for unreasonable hopes are the parents of disappointment, I think it proper to remind them, that to draw any conclusions from the orders, it is necessary to understand them.

This consideration alone is sufficient to repress the ardour of enquiry, for every man that has had opportunities of knowing the wonderful accomplishments of our ministry, the depth of their designs, the subtilty of their stratagems, and the closeness of their reasoning, will easily conceive it probable that they might send such orders as none but themselves could understand; and what then will be the consequence of our idle curiosity, but, that we may be led into a labyrinth of endless conjectures? for we have long ago found, that no explanations are to be expected, and that our ministry are too wise to discover their secrets to their enemies.

Let us, therefore, examine the naked facts, which have fallen within our observation, and endeavour to inform ourselves of the meaning of these secret orders by the execution of them.

Admiral Ogle was dispatched from Haddock's fleet to protect Minorca, and in his absence the Spanish squadron sailed away. Perhaps he was ordered to watch Ferrol and Minorca at the same time, and not understanding how that was to be done, neglected what was to be done, neglected one part of his charge by an attention to the other; as a watchman who should be employed to guard at once the bank in London and the treasury in Westminster.

Admiral Norris, Sir, sailed lately forth, I suppose in pursuance of orders, with a very formidable fleet, and after having lost sight for some days of the British coast, sailed back again with great precipitation. Whether his orders were only to sail forth, or whether when he examined them farther he could not understand them, I pretend not to determine; but it may reasonably be imagined that his orders were of the same kind with those of our other admirals, because they produced the same consequences.

I have been told that formerly our commanders were ordered to burn, sink, and destroy; and that in those times it was not uncommon for a British admiral to do much mischief with a strong fleet; but it is evident that the stile is since changed, for admirals are now very inoffensive, and go out only to come back. I therefore think the motion highly necessary, and such as ought to be complied with.

Admiral *Norris*:

Sir; I am not conscious, that my conduct in any part of my life has exposed me to be justly treated with contempt and ridicule, and what I have not deserved I will not bear.

If any gentleman in this House can accuse me of having neglected my duty or deserted it, let him not spare insults or invectives, let him now expose my cowardice or my carelessness, let him prove me unworthy of trust or of command.

But my own conscience acquits me, and I defy any man to produce and support his accusation; nor can you, Sir, [Mr, Pulteney,] who have thus contemptuously treated me, alledge any thing against me that may justify your neglect of decency; that you have transgressed the rules of decency is the softest censure that your behaviour admits, and I think it may, with equal propriety, be asserted, that you have broken the laws of justice.

Mr. *Pulteney*:

Sir; I shall submit to you and all who hear me, whether I have treated the hon. gentleman's name with any contemptuous freedom of speech. The usual method of mentioning an expedition, is that of naming the commander, who is not thereby necessarily included in the censure of an unsuccessful attempt, and I am very far from calling his courage and capacity into question.

Not that I shall ever think it necessary to make an apology for expressing my sentiments with freedom as a member of this House, in which I shall always speak what I think, and in what manner it shall appear to me most proper; nor shall I fear to repeat without doors what I say here.

Sir *Robert Walpole*:

Sir; as I am not acquainted with any measures pursued by the administration which it is their particular interest to conceal, I am desirous that all papers should be laid before the House which will not

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afford our enemies any opportunity of obviating our designs.

What necessity there is for this Address, I cannot indeed discover, because I know not any foundation for suspicion of either negligence or treachery, which have been both insinuated in this debate.

Nor are the ministry, however ludicrously their abilities have been treated, afraid of discovering their ignorance by laying before the House the orders which they have given to our admirals, orders of which they are far from doubting that they will appear, upon a candid examination, rational and proper.

The chief objection to this motion arises from its unseasonableness, and the necessity which it will produce of assigning to a fruitless enquiry those hours that may be more usefully employed.

Mr. *Pitt:*

Sir; it is my opinion, That our time cannot be more usefully employed during a war, than examining how it has been conducted, and settling the degree of confidence that may be reposed in those to whose care are entrusted our reputations, our fortunes, and our lives.

There is not any enquiry, Sir, of more importance than this; it is not a question about an uncertain privilege, or a law, which if found inconvenient may hereafter be repealed; we are now to examine whether it is probable that we shall preserve our commerce and our independence, or whether we are sinking into subjection to a foreign power.

But this enquiry, Sir, will produce no great information, if those whose conduct is examined, are allowed to select the evidence. For what account will they exhibit but such as have often already been laid before us, and such as they now offer without concern. Accounts obscure and fallacious, imperfect and confused; from which nothing can be learned; and which can never entitle the minister to praise, though they may screen him from punishment.

Mr. *Pelham:*

Sir; I am confident that no man engaged in the administration, desires to be screened from the most rigorous enquiry, or would defer to exhibit the papers a moment for any other reason than his regard for the public.

I am confident, that nothing could so much contribute to advance the particular and distinct interest of the ministry as the publication of all the writings that relate to the present war, by which it would incontestably appear, that nothing has been omitted that could promote our success, that our commanders have been sent out with orders to act with the utmost vigour, and that our preparations have not been disproportioned to the importance of our designs.

It will appear that no former ministry have given greater proofs of their zeal for the public interest, or have more steadily pursued the most proper measures by which it might be advanced.

I am not indeed certain that those who now call so loudly for information would be prevailed on by any degree of evidence to suspend their censures. Them, who are now dissatisfied, I shall despair of influencing by reason or testimony; for they seem to enquire only to condemn; nor is this motion perhaps made so much for the sake of obtaining information, as of harrassing the ministry with delays, and suspending affairs of greater importance.

The motion was then agreed to.

*Debate in the Commons on the Bill for Paving and Cleansing the Streets of Westminster**.] January 27. Lord *Tyrconnel* rose and said:

Sir; though the grievance which I am about to lay before the House, is not of the most formidable or dangerous kind, yet as it is such as grows every day greater, and such as every day endangers the lives of thousands, I hope it will not be thought useless or improper to propose it to the consideration of this assembly, to offer my thoughts on the methods by which it may be most easily removed, and to endeavour to incite others to the same considerations.

It is impossible, Sir, to come to this House, or to return from it, without observations on the present condition of the streets of Westminster; observations forced upon every man, however inattentive, or however engrossed by reflections of a different kind.

The warmest zeal for public happiness, the most anxious vigilance against general dangers, must, I believe, sometimes give way to objects immediate, though of less importance, nor will the most public-

* From the Gentleman's Magazine; compiled by Dr. Johnson.

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spirited members deny, that they have often been in the streets alarmed with obstructions, or shocked with nuisances.

The filth, Sir, of some parts of the town, and the inequality and ruggedness of others, cannot but in the eyes of foreigners disgrace our nation, and incline them to imagine us a people, not only without delicacy, but without government, a herd of Barbarians, or a colony of Hottentots.

The most disgusting part of the character given by travellers, of the most savage nations, is their neglect of cleanliness, of which, perhaps, no part of the world affords more proofs, than the streets of the British capital; a city famous for wealth, commerce, and plenty, and for every other kind of civility and politeness, but which abounds with such heaps of filth, as a savage would look on with amazement.

If that be allowed which is generally believed, that putrefaction and stench are the causes of pestilential distempers; the removal of this grievance may be pressed from motives of far greater weight than those of delicacy and pleasure, and I might solicit the timely care of this assembly, for the preservation of innumerable multitudes, and intreat those, who are watching against slight misfortunes, to unite their endeavours with mine, to avert the greatest and most dreadful of calamities.

Not to dwell, Sir, upon dangers, which may perhaps be thought only imaginary, I hope it will be at least considered, how much the present neglect of the pavement is detrimental to every carriage, whether of trade or pleasure, or convenience, and that those who have allowed so much of their attention to petitions, relating to the roads of the kingdom, the repair of some of which is almost every session thought of importance sufficient to produce debates in this House, will not think the streets of the capital alone unworthy of their regard.

That the present neglect of cleansing and paving the streets, is such as ought not to be borne, that the passenger is every where either surprized and endangered by unexpected chasms, or offended and obstructed by mountains of filth, is well known to every one, that has passed a single day in this great city; and that this grievance is without remedy, is a sufficient proof, that no magistrate has at present power to remove it; for every man's private regard to his own ease and safety, would incite him to exert his authority on this occasion.

I humbly propose therefore, "That leave be given to bring in a Bill for the better paving and cleansing of the streets within the city of Westminster, and the liberties thereof; and for preventing nuisances therein."

Mr. *Sandys:*

Sir; I believe the grievance, so much complained of by the right hon. member, is not difficult to be removed without a new act of the legislature, being, perhaps, more properly to be imputed to the negligence of the justices, than a defect of their authority; for they have already sufficient power to regulate this disorder; and I may be allowed to hope, Sir, that they do not want leisure to observe it, for their number is so great, that if we suppose them to be wholly engaged by the common business of their office, a foreigner would have occasion of reproaching us with defects more important than want of delicacy, and might justly censure us as a people corrupt, beyond the common rate of human wickedness, a nation divided only into two classes, magistrates and criminals.

But they, in reality, abound so much among us, that most of them are only nominal magistrates, vested with authority, which they never exert, or exert to bad purposes, and which it were well if they were obliged to employ in the real service of their country, by superintending the paviours and the scavengers.

For this reason it is unnecessary to erect a new officer, as an inspector of our streets, since every office that is not necessary is pernicious: were the consequences of this grievance such as they have been represented, I should perhaps willingly erect a new office, though I should not be surprised to hear the wisest man declare, rather for a pestilence than an increase of officers.

As I neither think the grievance insupportable, nor the methods proposed for removing it necessary or proper, I declare myself against the motion.

Lord *Gage:*

Sir; as the grievance cannot be denied to be real, and the motion therefore may reasonably be imagined to have been made without any other intention than of benefiting the public by an useful law, I cannot discover any sufficient reason for a rejection so peremptory and contemptuous.

That every man is disgusted, and almost every man daily endangered in our streets,

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has not been denied, nor will any man, I suppose, question what, if he has not yet experienced it, he may perhaps be fully convinced of, in his next visit or excursion.

Those evils, which every man feels, though slight, are worthy of the attention of the legislature, and that danger that threatens multitudes, though distant, ought to be averted; for a small disorder, like a small expence, when it extends to multitudes, becomes a national affair.

But though this motion may perhaps be liable to some objections, there is certainly no such absurdity to be found in it, as may justify us in rejecting it without examination; to reject a motion when it is first offered, is a proof of prejudice, next to that of rejecting it unheard; it is to determine a question, before it is discussed or can be fully understood.

Mr. *Sandys*:

Sir; I cannot but differ very widely in opinion from the right hon. member that spoke last, with regard to the propriety of opposing a motion, when it is first made; a practice, which I can by no means think inconsistent with either decency or prudence, and which would perhaps be of use to the public, if it was more frequent.

When any motion is made, it is subjected to the consideration of this House, and every member is at full liberty to examine and discuss it. If it appears to deserve farther attention, it may be admitted; but if the subject be either improper or unseasonable, or the measures proposed injudicious or dangerous, it is then to be rejected; and if it is at last to be rejected, it is apparent, that no time ought to be thrown away upon it.

The hours, and days, and weeks, that have been unprofitably spent upon bills, which after all our endeavours could not be passed; the delays of real benefits to the public, which have been produced by long pursuits of shadowy advantages, have inclined me to a more expeditious method of proceeding, and determined me speedily to reject what I cannot hope to amend.

The question being put, it passed in the negative, 144 against 118.

Debate in the Lords on a Motion respecting the Appointment of Receivers and Triers of Petitions.]* January 28. The order of the day being read, for taking into consideration the Standing Order of this House, of the 23d of May 1678, em-

* *From the Secker Manuscript.*

Jan. 28. Receivers and Triers of Petitions. *Abingdon.* Receivers and Triers of Petitions have been several times laid aside, and resumed. A number of persons not peers amongst the Receivers. They have stopt some cases of *Meum* and *Tuum* in my memory. Motion, that the Clerk may be excused in leaving out those relating to Great Britain. You may keep in those for Petitions beyond the Seas. For all we have is a few small Islands, who always apply to the privy council.

Hardwicke, C. I am inclined to adhere to all parts of the ancient constitution. The Receivers consist of some assistants of the House; the Triers of several of the lords and assistants also. Before the Union there were for England, Scotland, and the ancient domains in France. Since that, those for the whole island put together. They were introduced in Edw. 1; continued, as appears by the first Parliament Rolls, from that time to 1640. Immediately after the Restoration, they were considered by a Committee and restored, and continued to the Revolution. Then, after being intermitted to 1705, they were revived by lord Cowper. At present it is mere matter of form: the House may make use of them when they please. They are one of the most ancient Evidences of the Judicature of the House, and of the extent of it. In the other House they have four Committees, of Religion, Trade, Grievances, and the Courts of Justice. No man now alive remembers their being made use of. Yet the House will not intermit any of them, because they are evidence of their authority. The Lords Triers are not to try the merits of Petitions, but appointed in November 1660, to try what Petitions are fit for the House to receive. In Ryley's Placita Parliamentaria, are the most ancient Records of our Judicature, and those are upon Petitions preferred in this manner.

Abingdon. If they can stop Petitions, that is as great a power as rejecting them. If they must report them to the House, they save the House no trouble. They may be referred to a particular Committee, who will lay the reasons of their opinion before the House, of which the House will judge. The Lords of the Articles were a part of the Scotch Constitution: but was thought such a curb upon parliament as was not to be suffered.

Carteret. An attempt to exercise this power would not be suffered now. Therefore of no consequence to keep it in our books. The jurisdiction of the House hath been much extended. No appeal from Chancery brought in here, till 19 Jac. 1. If these triers had reported to the House that this was a novelty, you had never had it. The Lords of the Articles were a Political Committee, and abolishing them was of great service.

N. C. 55.

C. 45. Of which I was one.

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powering the Lords sub-committees for Privileges and Perusal of the Journal Book to meet and examine the same:

It was moved, "To order, that, after the end of this present parliament, no entry be made in the Journals of this House, of any appointment of receivers and triers of petitions for Great Britain and Ireland." Which being objected to: after debate thereupon; the question was put, upon the said motion, and it was resolved in the negative.

Debate in the Lords on a Motion for Admiral Vernon's Representations for more Ships, &c.]* January 28. It was moved to resolve, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions to the proper officers, to lay before this House, such representations, as have been made by vice-admiral Vernon, in any

* *From the Secker Manuscript.*

Jan. 28. Motion for Admiral Vernon's Representations.

Bathurst. I have not found satisfaction from the papers relating to the sailing of sir Charles Ogle from Gibraltar to Minorca. But that is not the point I would speak to at present. The intelligence sent to Haddock says, there are 60 pieces of cannon embarking at Barcelona. The Letter either says 100. Therefore all is not laid before the House. In Vernon's Letters there is none relating to want of ships or men, but many relating to want of stores. The duke of Newcastle often writes that sufficient force shall be sent him. Is not that in answer to letters from him. Once, indeed, he refers himself to the Duke's intelligence for the number of men. If every thing Vernon hath said were known, it could now do no harm. I hope his hands are at liberty to follow the dictates of his heart. Motion,

"To Address for such representations as have been made by admiral Vernon concerning the want of more ships or men, or intimating of the services he could have done, if supplied with more ships or land forces."

It is fit this House should know what half the city of London knows.

Newcastle. The order of the House relating to sir Charles Ogle was exactly complied with. His reasons were not included in the order. But I am willing they also should be laid before the House. The order was made on Haddock's inactivity, to see if it was not directed from hence and upon Ogle's sailing. Now there was no order about that matter sent to Ogle, nor was it thought the order would fall into his hands. The orders to Haddock were to send what ships were necessary to Minorca. He was gone before. Ogle thought Haddock's squadron not sufficient, sailed after him, was sent back, but came too late. The difference of 100. Sixty cannon was a mistake. Every thing relating to the supplies of ships was not laid before the House, but may be.

As to men, it will appear there was no backwardness to send land forces when they could be sent in a proper number. When Vernon's letters come to be seen, it will appear whether he was for land forces or always against them. But it is not proper these things should appear now. If you call for part of such things call for all; and will that be proper? Suppose he was directed at first to consider what part it might be most advisable to attempt, and how many forces would be necessary, is it proper to lay this open? Suppose he said at one time, when going from Carthagena, that he could have taken it with 2 or 3,000 men, but was against land forces both before or after. I hope he is gone, not to do one thing only and come back, but to stay till a peace is made to the satisfaction of every man in England.

Gower. Appoint a Secret Committee of such members of the House as are of the Privy Council, with directions to report nothing which ought to be concealed.

Bathurst. I will withdraw the latter part of my motion, on condition this be received.

Cholmondeley. No conditions can be made.

Abingdon. He may move it afterwards.

Argyle. I believe Vernon was against armies in the West Indies, but hath intimated that with a few more ships and a few land forces, as much might have been done as by the expedition now depending. Sir Charles Ogle must be lost or arrived, and what Vernon judged proper, must have been attempted before now. And he would attempt rather above than below his force. Not the fate of his expedition, but somebody here, and that no member of this House would be affected by shewing all. If a Committee of Privy Counsellors be appointed, I shall know ten times more as a Privy Counsellor, than I ever did as a cabinet counsellor.

Hardwicke, C. It is not probable that any thing can be done yet. And if for haste you had sent but a few, it would have been said this was doing nothing. There are great objections against lord Gower's motion. No instance of any such thing without a complaint first made. What have the ministry done to deserve it? You have not yet appointed a day to take into consideration the Papers you have already. The war hath subsisted a year and a quarter, a great fleet hath been sent out agreeably to the advice of parliament. It is impossible to say any thing hath failed. Secret Committees are appointed only on occasion of charges and accusations.

Argyle. We might have sent a few first, and more afterwards. A small force will do things at one time, which the greatest will not do afterwards. The West Indies were in a very

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of his Letters to his majesty's principal Secretaries of State, or to the commissioners of the Admiralty, in relation to the want of more ships, or more men, or any intimations of services he could have performed, if he had been supplied with a few more ships, and some land forces."

The same was objected to, and after debate thereupon, the question was put, Whether such an address shall be presented to his majesty? It was resolved in the negative. Content 44. Not Content 71.

Protest against rejecting the said Motion.] Upon which the following Protest was entered:

Dissentient'

"Because we conceive, that the House entered into this enquiry with a view to form a proper judgment on the conduct of the war; and some extracts of letters have been laid before us, but such as we apprehend do not even answer the demand of the House, much less the end of the enquiry: yet it appears plainly, from those few extracts, that admiral Vernon has made frequent and grievous complaints of the insufficiency of his stores, and has represented them as fit only for a Spithead expedition: we have therefore the strongest grounds to be persuaded, that in some of his letters, he has made demands of more ships, and more men, though nothing relating to those articles has been laid before us hitherto. Had he been sent out with a greater force at first, or had fresh succours of ships and men, with proper stores, been sent after him in due time, we are firmly of opinion, that he would have gained such further advantages as might long before now have proved decisive. By the dilatory proceeding of the administration, as it appears to us, the scene is much changed: the Spanish fleet has been suffered to sail out of their ports, to carry supplies of all kinds to their garrisons; opportunity has been given them to repair their fortifications in America; and, which is still of more consequence, as we fear, to procure the assistance of another power, who was not ready, if willing, at that time, to give us any disturbance in those parts.——

(Signed.) Greenwich, Berkshire, Exeter, Bathurst, Shaftsbury, Mansel, Bridgwater, Foley, Thanet, Carlisle, Middleton, Montjoy, Bruce, Suffolk, Westmoreland, Gower, Haversham, Ker, Aylesford, Buccleugh, Cobham, Beaufort, Hereford, Denbigh, Abingdon, Litchfield."

Debate in the Lords on a Motion for a Secret Committee to inquire into the Conduct of the War.]* Then it was proposed to order, "That a Secret Committee be appointed to enquire into the Conduct of the War, consisting of all the Lords of this House who are of his majesty's most honourable privy council." Which being objected to, after further debate, the question was put upon the second proposition, and

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different situation a year ago. In Carthagena they had but 1,600 men, and wanted every thing. It was not the wind but mismanagement that hindered the fleet sailing in the end of July.

Cholmondeley. There is infinite difficulty and a long time required in getting ready 2,000 men. The French and Spaniards had a fleet in Europe. We could not spare a convoy without exposing ourselves. If they had gone in June they might have met hurricanes.

Newcastle. If I suspected any man of a design to carry on the war coolly with a design to patch up a peace; nay, if I did not know the contrary of him, I would be as much against such a person as any one can be. Vigorous orders were sent to the West Indies previous to the war. They who were for sending land forces immediately thither, thought the French would not meddle. That hath proved otherwise. The true misfortune is that we have not seamen. Nobody could know that France and Spain would send their fleets to the West Indies. Had we sent ours first, they would not have gone thither, but came hither. The raising forces in the West Indies may be a lasting security to us.

Aylesford. You might have sent your Expedition before the French were ready, and whilst sir Charles Ogle lay before Cadiz.

Carlisle. In the motion of December 1, 'Men' must mean land forces: as it doth in treaties, when men, ships or money is mentioned.

Division on lord Bathurst's motion.

N. C. 71. Of which I was one, and bishop of Glocester.
C. 44.

* *From the Secker Manuscript.*

Gower. Appoint a Secret Committee, &c.

Aylesford. Denying so many things, is the strongest reason for this.

N. C. 66.
C. 43. Of which I was one, and bishop of Glocester.

Newcastle. Address for Copies of the Answers from Haddock and Ogle, about the sailing of the latter.—Agreed.

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it was resolved in the negative. Content 43. Not Content 68.

Protest against refusing the said Motion.] The following Protest was entered:

"Dissentient'

1. "Because the necessity of secrecy, and the danger of communicating matters of importance, to so numerous an assembly as this House, having been constantly urged as the only arguments for refusing the lights absolutely necessary for carrying on, with any hopes of success, our enquiry into the unaccountable conduct of the war, we thought the proposing of this committee would fully have obviated those objections by confining the knowledge of those secrets, (if any such there be) amongst those who by the constitution are supposed and appointed to be informed of them; and the negative put upon this motion, gives us but too just reason to suspect, that the most material transactions, with relation to this war, have even been concealed from those, who, by their situations, ought, in the very first instance, to have been consulted.

2. "Because the so often urged argument of secrecy proves too much, and may as often without, as with reason, be used in bar of all enquiries, that any administration, conscious either of their guilt, or their ignorance, may desire to defeat. It may not only prove the security, but the cause of a sole minister, secrecy being undoubtedly best observed by one; and such a sole minister may, by the same reasoning, as well refuse the communication of measures to the rest of his majesty's council, and thereby engross a power inconsistent with, and fatal to this constitution; and we cannot help observing, that such a timorous and a scrupulous secrecy, is much oftener the refuge of guilt, than the resort of innocence."

(Signed by the same Lords as before.)

Debate in the Lords on a Motion for an Address against the intended Augmentation of the Army.]* Feb. 3. The order of the day being read, for taking into consideration the several Estimates of the charge of the Guards, Garrisons, and other Land-forces, the charge of his majesty's forces in the plantations, Minorca and Gibraltar, and the charge of seven regiments of

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* *From the Secker Manuscript.*

Feb. 3. Estimate for the Army of 7 New Regiments of Foot, and 4 of Marines.

Chesterfield. The matter of the Army hath usually been debated in the course of a Bill, of which the enacting part hath no relation to the number, and if it had been thrown out there would not have been a man the less. Another opportunity is the Appropriating, commonly called the Hodge Podge Bill. Indeed, it can scarce have too bad a name. It is the greatest violation of the Standing Orders and dignity of the House. And yet you must pass or reject the whole. It were to be wished the House were some way secured from a Bill so full of Tacks. In one of them was the portion of the Princess Royal, the Westminster Dormitory, and Train Oil. The method now taken, therefore, is the proper one. You will proceed upon the same ground with the other House, and your opinion may be laid before the king. I shall give my reasons, 1st, against the intended Augmentation. 2dly, Against the proposed method of making it. 3dly, Shew the bad consequences of each upon the constitution.

1. It may seem strange for those who were most for the war, to oppose an Augmentation. But there need not be such a one made, as panic may suggest to an administration sensible of fear. The Forces for 1740, were 35,903, which was an Augmentation of 18,000. These, with the troops in other places, amount to 51,000, exclusively of 12,000 in Ireland. This is equal to the number of effective men in the late war, where the highest number was 67,000 including the non-effectives, which will take off 10,000. The war we are engaged in is a naval one. The queen of Hungary is an ally that should be assisted in the way she desires, to preserve her dominions in Flanders and Germany. But no pretence of that should cover other operations. She can call for 8,000 foot and 4,000 horse, which she will certainly desire in money. For how are our troops to get at her? At least the expence will be double to furnishing her in money. But if she desires men, we have 6,000 Hessians, and as many Danes. And if more are wanted it will be cheaper to hire, and you will save half pay afterwards, and hinder them from being hired by the enemy, and they will be near the scene of action. As for security at home, in the last general war there never were above 9,000 men in Britain, when the duke of Marlborough was in the heart of Germany, and when the principles of Jacobitism were much stronger. Many troops cannot be sent over on a sudden. Your fleet is greatly superior, which in such a case I hope will be allowed to act. The place of preparation must be known, and you will not suffer them to come out. Invasions must be inconsiderable or public. You will have time to raise forces, to call your allies. The Dutch can come sooner than such an invasion. What, then, is this Augmentation for: Is the reason of it the confidence you have in the administration, and the good effects of former Aug-

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foot, and four regiments of marines, to be raised for the year 1741, laid before this House the 19th of January last.

It was moved to resolve, "That an humble Address be presented to his majesty, humbly representing to his majesty, that this House cannot conceive the intended Augmentation of land-forces, to be necessary, either from the present situation of affairs in Europe, or from any lights they have received; such as have always been thought necessary by our ancestors,

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mentations? In 1722, the army was 14,000. This was high, compared with those in peace of former reigns. In 1723, they were increased to 18,000, now the common number in time of peace. These 4,000 were added for the bishop of Rochester's plot. This continued for four years without any other reason. In 1727, was the never to be forgotten Augmentation of 8,000 men to pull down the House of Austria in conjunction with France, and in consequence of the treaty of Hanover. In 1728, was a reduction of 3,400, which brought them down to about 23,000; after the treaty of Seville in 1729, there was another reduction of about 5,000, which brought them to about 17,000. This continued till 1734. Whereas in king William's and queen Anne's time, they were but 7 or 8.000. But in 1734, 8,000 men were added, by bringing over 8 regiments from Ireland and increasing the corps in England. For the Emperor was attacked and we were obliged to assist him. These men were raised to wait the event of the war and give weight to our plan of pacification. Yet we threw our weight into no scale. Our plan was rejected with contempt by both parties. The Emperor made such a peace as he could, disadvantageous to himself and to us; and France grew heavier by the addition of Loraine. This Augmentation was the year of the election of the present parliament. [But I have a notion it was after the election.] In 1736, it was reduced to 17,000: so it hath continued, and I am afraid we must look upon that as our Establishment, though expensive and dangerous. Now, hath any good come from any one of these unpopular Augmentations? Foreigners know what we can afford. If we exceed that, they will suspect we are weak. They will look at other things. They will consider the authority, courage, skill and steadiness of the administration and judge upon these. They know you have made the grand tour of Europe in your alliances. Will they have confidence in an administration in whom they know the nation hath no confidence? What hope will they form of our negociations? What will they expect from the author of the Convention? What opinion will they have of the conduct of a future war, when they see how we have conducted this?

2. As to the Method of the Augmentation, it is by one-third at present the most expensive, exclusive of the half-pay hereafter. Seven regiments proposed to be raised, which will consist of 5,700 men, and will cost 116,000*l.* Whereas additional men would cost but about 86,000*l.* which is a present saving of about 29,000*l.* and a future one of above 10,000*l.* Economy should now be the great object, for past negligences may make a long war necessary. What will be for the advantage of the service must be judged from the best authority. Now, the oldest officer, that I may say though he hears me, and will say no more because he hears me, hath assured you the service will not suffer by this method. But we have also his majesty's own authority, where no ministerial or parliamentary consideration interposes. The Hanoverians are 100 men in a company, of which 89 are effective men. There is 1 captain, 1 lieutenant, 1 ensign, 2 serjeants, 3 corporals, 1 something between a serjeant and corporal, and a clerk of the company. And there is intended an augmentation by additional men to these companies, which will raise them much higher. And such are all over Germany, 90 the lowest, others 100: the Swiss still more. In France not so. But one English regiment costs as much as two French. They have a numerous and necessitous nobility, men of spirit who would feel their chains too heavily if the government did not gild them. No danger can arise there to the constitution from the influence of a military power. There are no parliaments for them to sit in. In Holland also, there are not so many private men in companies. But there nepotism prevails, and the magistrates desire to have as many commissions as possible for the sake of their relations. But now they are adding men to their companies. In the last war our army made but a small part of the combined army of the allies. And the army that was beaten by them had many more officers in proportion, and amongst their troops those who made the best stand, as the Bavarians and Swiss, had but few officers.

3. But the dangerous consequences both of the augmentation, and the method of making it, to the constitution, is the chief point, and I must speak plain upon it. I appeal to all men if parliamentary considerations have not had the chief weight in all military matters. Civil mutiny hath been the forfeiture of commissions, and civil subordination the tenure of them. At this time, when from a peace of 30 years, you can have but few who have served at all, and fewer in any considerable rank, the king and the public are deprived of the assistance of several of the oldest and most considerable officers. I can say nothing of those who hear me. But there is one not here, [Earl of Stair] who after a series of long service is reduced to the plough, and handles it with as much honour to himself as his sword. How should mankind turn prophets, unless this were the rule. It is, indeed, avowed, and can any thing be more

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to justify the laying any extraordinary burthens on the subject: and most humbly to beseech his majesty, that if he should however think so great an Augmentation absolutely necessary, he will, at least, be graciously pleased, as well for the present, as for the future ease of his subjects, to order it to be made in the most frugal manner, by such an addition of private men to the present regiments, as his majesty, from his own wisdom and knowledge of the practice of most other countries,

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dangerous. The soldiery are as little liable to influence as any body of men. But no man is to be trusted in these cases farther than needs must. What numbers are there in the other House! And how have they increased within few years! for it is the known way to military preferment. The late earl of Strafford, when lieutenant of Ireland, was a very willing minister for the prerogative, and in a Letter upon the calling of a New Parliament says, "I will labour to make as many captains and officers burgesses, as I can: because, having an immediate dependance upon the crown, they may almost sway the business between the two parties as they please." The king writes in answer: "This we altogether dislike, because it is fitter that they attend their charges." The king meant them for military employment, but I believe the minister carried his point. He was wise: but we should not be wise if we did not take warning. It hath been said, You cannot trust new raised troops. Yet the very last raised troops have been sent upon the most important and decisive expedition that troops can be sent upon by us. The reason is, there was but one single parliament man in commission in them. He had voted against the constitution, and his sentence was changed into transportation. There will be 362 commissions in these regiments to be disposed of in the year of election. Many are given, and every one hath seen why. Some have already had their effect. If you desire the freedom of parliament, now is the time.

Motion, "To represent to the king, that the House cannot conceive an Augmentation necessary by any lights which they have received, and to desire that if he thinks it necessary, he will order it by such an addition of private men as he shall judge properest and least dangerous."

Newcastle. Agreeing or disagreeing to the Estimate can have no more effect, than agreeing or disagreeing to the number in the preamble of the Mutiny Bill. The Estimate is by custom laid before the Commons first, and is voted and approved there already. The appropriating Bill mentioned by the noble lord was very improper, but the improper parts not of weight enough to throw out the whole. No such mixtures have been made for some years, and the necessitating of appropriating every shilling is a great happiness.

If ever there was a time for augmenting, it is the present. Of the 35,000 men we had last year, there are 10,000 in the West Indies. The 6 regiments of marines are 6,000, and there are two old regiments with them, and two regiments more were sent to man the fleet, and all went that were well. Of the remaining 26,000, there are 5,000 in Scotland, 1,800 invalids, and when the guards also are deducted there will not remain above 14,000 at most. It is not certain how long this will continue a naval war. May not the activity of it turn it into one of another kind. And should we not have such a strength as may keep it a naval war? It is not before the House that the queen of Hungary hath made her demand in money, and therefore it may be supposed that perhaps she hath not. Her dominions are extensive, and should all be protected. But must not the dominions of her allies be covered also? May not the Dutch make demands? And suppose a power desirous of disturbing the Pragmatic Sanction should think making a disturbance here the best way. I am informed that in the late war we had more men in pay than now. But the Allies had a great army in Flanders, and in 1708, 10,000 men were sent from Flanders when the Pretender was invading us. Military men in France think Louis 14 did wrong in attacking us in Flanders. Some persons acquiesced in queen Anne's government, who were against this family. It is difficult to have a great force at sea, and not possible to keep it up superior to all others. All methods used hitherto have not been able to do any thing like it. You have been obliged to send a great part of your fleet to the West Indies, and have left yourselves in no flourishing condition here. This is the chief reason for augmentation. There is the authority of king William and the duke of Marlborough for the present constitution of the army. There were then 60 men, and only 51 effective in a company: there are now 70 such. The regiments then consisted of 13 companies of 60 each, now of 10 of 70. There were then 9 officers more, and many private men less. The parliament in William 3d.'s reign were great economists, and very jealous, and every winter sent up a Place Bill, yet never fell upon this expence.

Chesterfield. I mean only that we have now more national troops, not more men in our pay. After deducting those who are gone with Cathcart, there will remain 27,000 men in Britain, 12,000 of which may go abroad, and there will be 15,000 left; which is 6,000 more than in the last war. Nothing will increase the difficulty of manning the Navy more than augmenting the Army. There are men enough to be raised from the mines of our manufactures. These would go into the sea service if they could not be taken into that of the land.

Newcastle. Of the proposed troops, 4,000 are intended for the fleet.

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may judge to be most proper for military service, and least dangerous to this constitution."

Which being objected to, after long debate thereupon, the question was put, Whether such an address shall be pre-

Bathurst. If you make this Address now, the number will not be the same in the Mutiny Bill. The troops in Scotland and the Guards ought not to be left out of the account. Pray God an occasion may come that may be a cause of quarrel on the French side. There is already cause enough on ours. The Dutch may be assisted cheaper and with better troops than by ours. The affair of the invasion in queen Anne's time was decided without the 10,000 men from Flanders. Jacobite principles are totally eradicated. There is dissatisfaction enough and too much: prevent the causes of it: but disaffection very little. The French have totally neglected their fleet from frugality. We have spent more money in repairing ships in a few years than would have built them new. Therefore we must have ships. If we cannot man them, it is because they have been impressed when they could have had employment elsewhere, and turned off when they could not, sent from the coldest climates to the hottest immediately and *v. v.* and used very ill. Hence they have forsaken us and this may be hard to retrieve. Why should not all that are proposed to be raised be Marines, instead of not half Marines? Ships will do very well with only half sailors. Only marines have fewer officers. Is that an objection? In England and Holland the nation pays, and the government disposes of the places. In Germany the person that hath the power pays the money. Before the Revolution the crown had so much money to pay for every thing. An officer then who had advised this scheme would have been very well heard. It hath been often said there can no harm happen from a parliamentary army. That means an army to assist in making parliament men. Now you might give every common soldier wherever they are a vote. They will chuse their own officers. And had they only all the great estates, this would be our old Gothic Constitution. The proposed Augmentation will make 73,000 men, reckoning the American regiments and those in Ireland together, without the 12,000 Hessians and Danes. And this before we are called upon by any ally. Whereas all possible œconomy is necessary in our circumstances. It is a melancholy consideration that in the beginning of a war the 4 oldest officers are discarded. [Lord Barrimore one.] This is wrong, and therefore not the act of the king.

Hervey. C. P. S. In a former debate, every lord admitted the expediency of an Augmentation. The order against Tacks is only against joining matter which doth not relate to Supplies with a Bill of Supply. In the last war, we had 59,000 men in pay abroad, exclusive of men here and in West Indies, and of 6,000 on board the fleet. France had her hands full elsewhere in the late war, but now is at liberty to attack where she pleases. Perhaps will not attack here but in Flanders, and what will become then of the Barrier of the Dutch and queen of Hungary? There is a war begun in Silesia, of which France may take the advantage. We were not obliged by treaty to assist the Emperor in the war into which he entered wantonly about Poland; nor was it politic to do it without the Dutch, who would have got all the trade, and the Emperor must have made a separate peace and left us the object of the resentment of France. In time of peace œconomy is the principal thing in keeping up troops. But in war, if the most expensive way be the most efficacious, it is the worst œconomy to take the cheapest. The success of the Emperor's troops should not induce you to follow their establishment. And the want of success at Guastalla and Parma hath been ascribed to want of officers. And last spring it was determined in a council of war to advise the Emperor to reduce the companies 20 men, and add a lieutenant to each. In the last war with the Emperor, France had 300,000 men, and the proportion of officers was 21,000. And at the end of the war they reduced by private men, and had only 10 private men to one officer. The Prussian troops were refused by the duke of Marlborough till they were reduced to the Dutch and English establishment. The Danes consisted of 94 men in a company. But they had one lieutenant more: so they had 4 officers to 94, and we have 3 to 70, which is almost the same thing. With the marines, are sent 2,000 men draughted out of the old corps. Our last Augmentation was made by adding men. The present would have been made so too, if it had been so safe.

Talbot. The question is of such importance that the event of it is Liberty or Slavery. The complexion of the next parliament depends on it, and the fate of the nation on that. A good parliament may retrieve us from the mischief done us by an ignorant and iniquitous administration. Our expence is greater than in 1704. It was then 1,600,000*l.*: It will now after the Augmentation takes place, be 1,480,000*l.* and with other things it will be 60,000*l.* more than 1704. We pay now 10 millions out of 30, which is the produce of the land. The method of appropriating destroys the good effect of the power gained at the Revolution, by joining things which we must pass or deny the Supply. The gentlemen pensioners were the old guard of the crown, and were the king guarded by them now he would be safe, but the Constitution in great danger. With 4,000 Cheshire men, Richard 2 established his tyranny, and had a parliament devoted to him who made the first Vote of Confidence.

Finlater. Great forces may be brought from France in small vessels and open boats,

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sented to his majesty? It was resolved in the negative. Content 49. Not Content 67.

Protest thereon.] The following Protest was entered upon the Journals:

Dissentient'

1. "Because we conceive, that nothing less than an evident and absolute necessity should prevail with us, to consent to any Augmentation of our land-forces, which in our opinions are, at present, fully sufficient for any good purposes, either abroad or at home; being very near equal to the highest establishment, during the whole course of the last general war; the national troops now subsisting (exclusive of those in Ireland) amount to 51,515 effective men: whereas

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and a wind such as shut up sir J. Norris may hinder us from stirring. The stake is great. They who think there are few Jacobites are not acquainted with the people.

Abingdon. The increase of the poors' rate disables us for bearing this expence. Nothing can be done more to increase the dissatisfaction of the people.

Raymond. The queen of Bohemia will want more help than stipulated by treaty.

Carteret. I thought the Commons would have taken notice of what passed here: but they have proceeded in the dearest and slowest manner. I would not have opposed the Augmentation if it had not been proposed in this manner. The Mutiny Bill is only whether you will have martial law. If the appropriating Bill were thrown out this would not revoke the grant of money, but leaves the money loose. You cannot stop it but by a negative on the Money Bill.—By adding private men, the army could be sooner raised and sooner disciplined. King William and queen Anne had 3 companies more in a regiment. No reason hath been given against this: the whole scheme is therefore now to raise them in the most expensive manner. If jealousies are wrong founded, do not do every thing to inflame them. People will say the design is to raise an army to vote for peace. Adding 3 companies will give you 3,000 men and save you much in present and future. They were reduced, to keep a standing force of a small number so as to make it a large force soon, if wanted. Some have thought it a mistake to say France would not join Spain. I desire lords will remember dates. We have lost time. When France made this last push, she thought we should be intimidated, and hath embarked herself in a step that may be most pernicious to her interests. War cannot be kept upon a set diet, and therefore the utmost œconomy necessary. The whole fatality of our circumstances is plainly to be deduced from our conduct. Many members of the House were prophets. Had the House of Austria been now in as good a case as in 1732, all had been safe. It is said that we then gave promises for Stanislaus. But there will be a time for these things.

Hardwicke C. Proceeding upon the Estimates is intirely new. I do not object to it. But be cautious in changes. The situation of Europe was never more embarrassed than now. One power hath attacked the queen of Hungary: another not owned her. This is the time that all the powers of Europe have been waiting for. In such a case 12,000 men would not do. And there are great opinions for national troops. No invasion hath been prevented by a fleet since 1588. And now France is much at liberty. Land forces being used to handle arms and submit to discipline, are much more useful on board the fleet than common men. If you add three companies you must have the same number of officers except field officers. And it is said, this method with 70 men in a company will increase the battalions so much, that no voice can command them, and that great battalions are inconvenient. —The question is drawn with great consideration. One expression is "by any lights that they have received." This implies that more should have been given. Some, lords were for more, but the House was not. Will you say this to the king? You have received such as were always laid before your ancestors to justify laying burthens on the people. It is regular to take notice of what appears in the votes of the other House. And they have voted the manner of the Augmentation. This is not conducive to you. But this Address will be a remonstrance against what the other House hath done. And there is no instance of that but after a Conference between the two Houses. If you deviate from old rules, confusions will follow; and the parliament must break up with very bad consequences. You might have a Conference upon the preamble of the Mutiny Bill. But you cannot enter into a conference with the Commons after you have given your advice to the crown. In the method of 13 companies, is but 15,000*l.* difference.

Abingdon. What invasions have there been since the Spanish invasion? The duke of Monmouth landed with 40 men. And when the prince of Orange came, the first minister disposed the fleet so that they could not meet him. After this question is carried, then send to the Commons and desire a Conference.

Argyle. The question is, Whether you are to vest the liberties and properties of this country in absolute trust in a minister who may send his Congé d'élire to the counties and boroughs. The answers made to the arguments used sometime ago for another method of augmenting and managing the army are, That an able general was of another opinion, and that a military army would bring in a military constitution.

Only one lord in the opposition was explicit

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our greatest number of national troops, in the last war, was but 67,000 men, including the non-effectives; which, reduced to the foot of our present establishment, makes but 57,000 effective men; and the present intended augmentation of 10,325 men, is such an exceeding as can only be authorized by the like public dangers; which

for an Augmentation. I said nothing about it. But it would not have been much valued by the ministry in any other shape. And this Augmentation of 7 or 8,000 men is a small matter. If other powers do not apply their whole force to support the Pragmatic Sanction, will you? I wish the ministry would speak out. I verily believe the meaning is to keep the whole force within the kingdom. Will any general say, that 25,000 men with a fleet are not sufficient to guard you against France? France may toss over 8 or 10 battalions, by surprize. But will they do that when they can do no more? If they come out with a fleet it is great odds they do not miss you. The troops sent with the Pretender were prevented by lord Torrington from landing. A great descent with horse and artillerymen may be prevented by a fleet. Lords have endeavoured to shew that a fleet is of little use. Why, the nation begins to suspect it. We have but 40 sail in the West Indies. Our ships here have never gone from one port to another without needing to be repaired. I wish this be not the case of those in the West Indies. The Spithead expedition and forcing sailors to provide for long voyages, and then patching up Conventions, have driven them out of the country. You disbanded the squadron at the Nore even before the Convention was signed. Most of our flag officers are in the House of Commons, and every captain that hath a vote is voting there. When you say in the motion "by any light you have received," you advise the king against an Augmentation, but do it with submission.

The General of another opinion is a worthy and able man in all stations in which he hath served. I do not oppose my authority but my arguments to his. It is said, Why will you change? And this is said by all tenants against improvements. My father and his father did very well the old way. In king William's time, when we had at least twice the number of national troops, we were very unsuccessful. In queen Anne's time they were a small part of the army; the chief part of it was composed on the model which I have proposed. Collateral considerations might weigh with king William. The duke of Marlborough was not a sole minister: Some of those joined with him might have parliamentary views. But then there was not one-tenth of the officers of the army and fleet in the House, that are now. There was but one captain, and he was chosen for the county of Northumberland. And in that reign the military body stood their ground against the ministry, and were not turned out. The prince of Parma, Spinola, the duke of Alva, Gustavus Adolphus, duke of Lorain, prince Lewis of Baden, prince of Eugene, Staremberg, these men experienced the method I proposed in above 100 battles. Our Articles of War give as much authority to inferior officers as any Articles of War whatever. If our serjeants have not authority, why have they not? Have more of them. We have severer punishments. But abroad they do not punish through humour and passion, as we do. How is our army governed? Are there not corps where the serjeants do the chief part of the business? Perhaps they must come to teach our officers to poise a firelock. Lord Galway who lost the battle of Almanza was a politician, but no general. Neither the battles of Parma, nor Guastalla, lost for want of officers. If any officers had been of my opinion in the House of Commons, they would not have been two days in their offices after the parliament was up. Doth any one general differ from me about the political uses made of the army?

I have been misapprehended to plead for a military government. It is as much a military government when the minister is general, as when the general is minister. Cardinal Richlieu lessened the power of all the great officers, erected himself into a first minister, and France is now a military government. Both there and in Turkey, the minister becomes general.

Send some companies of each regiment aboard the fleet, and then 13 companies will be proper. The chaplains were made first. The persons fittest to advise, I believe, were not heard about them. These are made like others for parliamentary reasons. Not a man made colonel now who served in the war in any rank above a captain: many who never served in any business abroad; though you have a number of half-pay officers not provided for. Nay, general officers are not thought worthy to have a regiment; by promotions 2 or 300 officers may split into 2,000.

Cholmondeley. The Danish companies consist of 94 men, with 4 officers, but they have reduced the number of their companies, so that no battalion ever amounts to above 700. Imperial regiments have 2,300 in 3 battalions.

Ilay. The expression "we cannot conceive" is the most indecent and disrespectful that was ever offered to the crown. Remember that you are peers, but do not forget that you are subjects.

Chesterfield. Made some short answer to this.

Bishop of *Oxford* [Secker.] The motion consists of two very different parts. Lords may be for one and against the other. Divide them.

This was not seconded, and therefore not insisted on, though a matter of right.

N. C. 67, of whom I was one.
C. 49, of whom bishop of Glocester was one.

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dangers not appearing to us, either from the debate, or from any information we have obtained, we are unwilling to trust more force in the hand of an administration, which (as far as we are able to recollect) have not hitherto employed any they have been so trusted with to the honour and advantage of the nation. Extraordinary trust and confidence ought, as we apprehend, only to be placed in such, who, by the experience of their past conduct, have justly established their credit, and entitled themselves to be so trusted. But when we look back upon the several augmentations within these last twenty years, demanded and granted upon causes more strongly asserted, than clearly proved, but visibly without any good end ever attained: and particularly when we reflect that by a most unaccountable fluctuation and contrariety of measures, a very great augmentation was made in the year 1727, to act in conjunction with France, against the house of Austria, for whose defence the present augmentation is said to be principally intended: we thought it our duty to endeavour to prevent any unnecessary increase of our land-forces, not being influenced either by the pretended apprehensions, or real fears of an administration, the boldest in domestic, but, as we apprehend, the most pusillanimous in foreign transactions.

2. "Because we conceive, that dangers alledged from disaffection at home, are, in a great measure, groundless; no symptoms of such disaffection having appeared for many years, and the principles upon which it was formerly grounded, being almost universally worn out and exploded. And we think it highly necessary to distinguish between disaffection arising only from the conduct of the administration, and disaffection to his majesty and his royal family, though some may desire to blend them. For had the present general dissatisfaction at the inglorious, though burthensome measures of the administration, been, in truth, disaffection to his majesty, as hath been often falsely suggested by those who desire to confound his cause with their own, twice the number of troops now proposed would not be sufficient to secure the peace of the kingdom; but, on the contrary, we are persuaded, that the duty and loyalty of the nation to his majesty and his royal family, and their hopes from his virtues, have checked and kept the dissatisfaction against the administration within the due bounds of concern and lamentation.

3. "Because, considering the advantage of our situation, as an island, and our superiority at sea, it is impossible for us to think ourselves in any danger of an invasion from Spain, even if those fleets were now in their ports, which we suffered them to send to America: nor can we conceive, that about 28,000 effective men, now actually in this kingdom, with all the advantages of horse and artillery, is not force sufficient to secure us from any body of foot, that any other power could possibly land on our coasts by surprize. And, as for any great embarkation, it can neither be made on a sudden, nor in secret; we must have timely notice to provide superior fleets, (which, in such a case, we presume would be allowed to act) to strengthen our own corps, and render such an attempt wholly impracticable: in which opinion we are the more confirmed, because that in the most glorious year of the last war, when the duke of Marlborough and his army were in the middle of Germany, out of the reach of giving us any assistance at home, it was not thought necessary, by the wise administration of that time, to keep above 9,000 men in this island, for our defence against France, then irritated by our successes; and surely, three times that number must be now abundantly sufficient, unless more are wanted for purposes not thought of by former administrations, nor yet openly avowed by this.

4. "Because, whatever demands may be made upon us by our allies on the continent, we conceive may be answered by the foreign troops now in our pay: and should any further assistance to them be necessary, it will not only be cheaper, and safer to us, but more advantageous and agreeable to those powers themselves, that we should furnish our quotas in money, with which they may raise a greater number of men than we are obliged to supply.

5. "Because it has been undeniably proved, that this method of augmentation by new corps, is, by one third, more expensive than that of adding private men to companies; the expence of raising those 5,705 men amounting to 116,322*l.* 14*s.* 2*d.* whereas 5,780, raised by additional men to companies, with a second lieutenant to each company, would have amounted but to 86,992*l.* 15*s.* which would be not only a present saving of 29,329*l.* but a future saving of 10,134*l.* per annum, upon the half-pay of the officers of those seven re-

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giments, the few officers taken out of the half-pay only excepted. And we think, that at a time when the public expence is so very considerable, the strictest œconomy is requisite, the better to enable a burdened and indebted nation to continue those expences, that may be more necessary to be borne, than easy to be supplied. And, as to the advantage of the service, the facts plainly proved in the debate, together with the practice of most other nations in Europe, and, in particular, of his majesty's electoral dominions, convince us, that if this augmentation was made by additional men to companies, with a proper increase of serjeants and corporals, the military service, at least, for which alone it ought to be intended, would be better carried on than by the methods now to be pursued.

6. "Because arguments drawn from the usage of France, we conceive, do not hold with relation to us, it being well known, that the expence of 150,000 French troops do not amount to more than 50,000 English; that their government, though once limited, is now absolute and military. That the poverty of their numerous nobility forces most of them into the army, where the court is glad to engage and keep them in dependance; and that no danger can arise to that constitution from the civil influence, which may attend such an establishment, their parliament being only nominated by the crown, and long since reduced, by ministerial arts, from their original power and dignity, to be no more than courts of justice and revenue.

7. "Because we apprehend that this method of augmentation by new corps, may be attended with consequences fatal in time to our constitution, by increasing the number of commissions which may be disposed of with regard to parliamentary influence only. And when we look back upon the conduct of the administration, in relation to military affairs, we have but too much reason to suspect, that parliamentary considerations have of late been the principal causes of favour and disgrace. We have lately too, seen new raised, raw, and undisciplined regiments sent abroad upon the most important services, and others, seemingly much fitter for such services, peaceably encamped at home, for no other reason, as is generally supposed, than the different situation of the respective officers of the several corps: but this, at least, is certain, that in all the new-raised regiments sent to America, there is but one single member of parliament, which could hardly have been the case of any equal number of regiments in the whole service. And what further induces us to entertain those suspicions is, that this method of augmentation, by one third the most expensive, and by no means proved to be the most conducive to the service, should be preferred at this time, when an œconomy proportioned to the greatness of our expences, seems particularly requisite; since the war, by our inaction hitherto, and the advantages thereby given to the enemy, may now probably be of long duration, if not of doubtful success. Our distrust of the motives of this augmentation, which creates at once 370 officers, which by the removals in the army may occasion three times that number of new commissions, ought to be the greater, and our care to prevent the ill effects of it the more vigilant, so near the election of a new parliament; a crisis, when any increase of influence gained to a minister may give a decisive and incurable wound to this constitution. And we cannot forget that an augmentation of 8,040 men was likewise made the very year of the elections of the present parliament, by bringing over eight regiments from Ireland, and by additional men to corps in Britain, which time has since shewn were never intended for foreign service, though they were said to be designed for the preservation of the dominions of the house of Austria, which we then lay under the same engagements both of interest and treaties to defend. The number of officers in parliament has gradually increased, and is now more considerable than ever; and though we think the gentlemen of the army as little liable to undue influence as any other body of men, yet we think it would be very imprudent to trust the very fundamentals of our constitution, the independency of parliaments, to the uncertain effects of ministerial favour or resentment. And as it is well known that the four eldest officers of the army (the only officers who have served in any high rank abroad) are now displaced, without any crime having ever been alledged against them, we have great cause to dread, that an army thus circumstanced and thus influenced, would, in each capacity, be fatal to our liberties, since ministerial art in parliaments can alone destroy the essence of our constitution, and open violence alone the forms of it. *(Signed)*

——Ward, Bucclengh, Denbigh, Westmoreland, Exeter, Bridg.

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water, Greenwich, Bristol, Berkshire, Falmouth, Abingdon, R. Lincoln, Montjoy, Aylesford, Chesterfield, Halifax, Shaftsbury, Cobham, Bathurst, Litchfield, Beaufort, Macclesfield, Bruce, Bedford, Gower, Carlisle, Foley, Thanet, Ker, Hereford, Mansel, Masham, Talbot, Haversham."*

Debate in the Commons on the Sailing of the French and Spanish Fleets.†] Feb. 3. Mr. Sandys moved, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions, that this House may be informed, when his majesty, or the lords justices, first received certain advices of the Ferrol squadron being sailed from that port, and of the Brest and Toulon squadrons being sailed for the West Indies."

Mr. *Waller:*

Sir; the information now moved for, appears to me so necessary in our deliberations on the conduct of the war, that without it we can only conjecture in the dark, and entangle ourselves in an inextricable labyrinth.

It is well known, that in war all motions are in a great degree to be regulated by those of the enemy, and that therefore no vigilance is to be spared by which any knowledge can be gained of their designs, nor any methods omitted of communicating them to those who have the direction of the war.

A ministry may, in conducting military operations, disappoint the expectations of their country, either by neglecting to procure intelligence, or by failing to make use of those opportunities which seasonable information puts into their power, and they may, when their designs fail of success, justify themselves, by proving that they were deceived by intelligence, which it was reasonable to believe, or that better intelligence was not attainable; or that they made use, however unsuccessfully, of all the forces that could then be employed, and of all the advantages that were then in their possession.

But how shall we judge of our administration, how shall we know what confidence we ought to repose in their prudence and fidelity, and what miscarriages are to be attributed to the chance of war, or superior force of our enemies, if we cannot be informed with what diligence they endeavour at information, and how early they have notice of the motions of the enemy?

The sailing, or rather escape of the Ferrol squadron, and departure of the French fleet, are the most important events of the present war; events that threaten very dangerous consequences, no less than descents upon our British colonies, the conquest of our dominions, the slavery of our fellow subjects, and perhaps the destruction of the brave Vernon, who is secure in the imagined vigilance of the other commanders, and may, perhaps in a few days, see himself surrounded by formidable squadrons of different nations, and ex-

* "The great aim of opposition in this memorable session was to increase the unpopularity of the minister, by pressing his misconduct in the prosecution of the war, by imputing all the miscarriages and ill success to him, to harrass him with repeated motions and questions relative to the production of papers and letters, and to the prosecution of the war, which might tend either to criminate him if granted, or if denied, to throw an odium on his mysteriousness and uncandid reserve. In the House of Lords, in particular, various letters and copies of instructions were moved for, and refused only by small majorities; others were carried which ought to have been denied, owing to the feeble resistance of some members of the cabinet.

"At this period the opposition were disunited amongst themselves, and could not be brought to form a consistent party, moving regularly towards one great object; but thinking themselves secure of success, began already to quarrel about the spoils. The Tories, jealous of the Whigs, complained, that though far inferior in number, they assumed a consequence and superiority to which they were not entitled. They suspected that several of them had already begun to tamper with the party in the cabinet, which was known to be adverse to the minister. The death of sir William Wyndham dissolved the ties which had kept the Tories in union with the Whigs, and enfeebled both parties by a want of mutual confidence. From these causes the debates in the House of Commons were not conducted with their usual energy. But as the peers in opposition were more closely united, and less distracted with jealousies, their efforts were more vigorous and concentrated, and their motions led to the personal attack on the minister, which distinguished this memorable session. To prepare the public mind, they entered into long and frequent Protests, which, during the interruption given to the publication of debates, conveyed their sentiments unanswered to the world." Coxe's Memoirs of sir Robert Walpole.

† From the Gentleman's Magazine: compiled by Dr. Johnson.

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posed to the attack of forces to which his little fleet bears no proportion.

Nothing appears more evident, than that we had opportunities of observing, at least, all the preparations of the French, and of watching the moment of their departure; and that our force on the coast of Spain was sufficient to have confined their fleets for ever in their harbours, or to have destroyed them at their first entrance into the open seas; of which we may justly enquire, why it was not attempted; but shall enquire to no purpose till we know when they departed, that we may consider the state of our own forces, and whether our enemies escaped by our negligence, cowardice, or weakness.

Mr. *Winnington:*

Sir; that we cannot deliberate upon subjects which we do not understand; and that, therefore, no necessary or useful information ought to be denied to the House, I shall readily admit: but must observe at the same time, that the reputation of the House would be very little consulted, in demanding information which cannot be given.

To address his majesty to inform us of the time at which the squadrons of our enemies sailed, is to enquire of him what it ought to be the highest care of those princes to conceal from him, and which he can only know by having spies in their privy councils.

And of what importance is it to enquire what intelligence was brought him, or when he received it, if it appears that his intelligence must be in its own nature uncertain and dubitable.

That they have left their ports, is now certain, because they have been twice discovered in different parts of the world; but as we can now only form conjectures of their designs and courses, so, before they sailed, it was impossible to know, when they were fully equipped, or what time was fixed for their departure. It is to be remembered, that they form measures, and make their preparations in their own dominions, and therefore have more advantages from concealing their schemes, than we from discovering them.

Mr. *Campbell:*

Sir; this motion, which has been represented as unreasonable and absurd, is, in my opinion, not only proper, but important.

It is important, because it will enable us to judge upon sufficient foundations, of the conduct of the ministry, who are censured by the voice of the nation, for having been either defective in vigilance, or in activity; for having been either ignorant by their own fault of the designs of the enemy, or perfidiously passive in permitting the execution of them.

I am far from believing that such intelligence, as our ministry is expected to procure, requires any uncommon subtlety, or any other agents than are always employed by every minister, to transmit to them informations from foreign courts. Such, I am afraid, are always hovering about our consultations, and I know not why our ministers should be less diligent, or less successful than those of other princes.

If, therefore, such intelligence might have been obtained, it was criminal not to obtain it; and if the departure of the Spanish squadron was foreseen, it ought to be enquired, why it was not prevented; and if it was only known when it was too late to hinder it from sailing, why it was not pursued, or why succours were not immediately dispatched to admiral Vernon.

All these questions can be only resolved, in consequence of the information which his majesty shall give us; and for which, it is therefore, in my opinion, necessary to petition.

Mr. *Henry Pelham:*

Sir; how the regency could be informed of the intention of the Spaniards to leave their ports till it appeared by their departure, or by what means it can be expected that his majesty should be now acquainted with their particular course, or farther designs, I confess myself unable to conceive.

With regard, Sir, to the intelligence transmitted from foreign courts by agents and spies, a little consideration will easily discover that it is not to be trusted. For what can be generally expected from them, but that they should catch flying reports, or by chance intercept uncertain whispers, that they should enquire timorously, and therefore, for the greatest part, of those from whom no satisfactory accounts can be received, and that they should often endeavour to deserve their salaries by such information as is rather pleasing than true.

All the knowledge that can be obtained of an enemy's designs, must arise from a diligent comparison of one circumstance with another, and from a general view of his force, his interest, and his opportunities. And that such conjectures will be often erroneous, needs not to be told.

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Probability, therefore, is, in such enquiries, all that can be attained, and he that sits idle in the time of war, expecting certain intelligence, will see his enemies enjoying the advantages of his folly, and laying hold on a thousand opportunities which he has neglected to improve.

The war, in which we are now engaged, has been carried on by the administration with the utmost diligence and vigour; nor have any measures been omitted that could probably produce success, and the success of the wisest measures is only probable.

Should the great admiral, who is now present in the House, have met the French and Spaniards in the open seas, by what art could he arrive at a certain knowledge of their designs? he might, by his acquaintance with the situation and state of neighbouring countries, the observation of their course, the periods of particular winds, and other hints of observation, form probable conjectures, but could never reach to certainty or confidence.

It seems to me, therefore, highly improper to petition his majesty for intelligence, which he cannot be imagined to have received, and I cannot agree to any motion for that purpose.

The motion was negatived.

Mr. *Sandys* then moved, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions, that there may be laid before this House, copies or extracts of all letters which have been received from, or written to, vice-admiral Vernon, since his going to the West Indies, by either of the principal secretaries of state, so far as the same relate to a supply of ships, or land-forces."

Mr. *Pelham:*

Sir; this motion, if the intention of it be limited by proper restrictions, is doubtless reasonable and just, for the right of this House to examine into the conduct of public affairs, and consequently for calling for the papers necessary to enlighten their enquiries, is not to be disputed.

But, as the end of all such enquiries is the promotion of the public welfare, so they are not to be made in a manner by which that end may be defeated. Papers are not to be demanded, which cannot be produced without discovering our own secrets, and acquainting our enemies either with that weakness which we ought carefully to conceal, or that force which will be most effectually employed if it is not known, and therefore no preparations are made to oppose it.

It cannot be imagined, but that many of the papers which have passed between the admiralty, and the commander in America, contain plans of the prosecution of the war, observations on the conditions of our own colonies, and perhaps intelligence of the estate of the Spanish fortresses and towns. Many informations of the utmost consequence to our enemies may be collected from those papers, but nothing can be expected from them, that will enable us to prosecute a parliamentary enquiry with more success, since it will not put it in our power to discover frauds, negligence or treachery.

There are, Sir, other papers which may indeed be laid before us, without any benefit to our enemies, and perhaps with some advantage to ourselves, the papers which contain the accompts of our preparations and store, the lists of our forces, and the calculation of our expences are the proper subjects of parliamentary enquiries, and if the motion be restrained to those, I believe, it will not be opposed by any gentleman engaged in the administration of our affairs. I shall beg leave to propose that after the word 'Ships,' and before the words 'Land forces, the word 'Marines' be inserted. [The motion thus amended was agreed to.]

Debate on a Motion "That the Lords should take their due Places."*] February 10. The order of the day being called

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* *From the Secker Manuscript.*

Feb. 10. Act for placing the Lords read.

Argyle. This order is a law. No other is so. Lords should be placed according to it.

Delawar. When a lord hath been sick, he hath been indulged to sit by the fire. Indulge the Lord President now.

Newcastle. When this act was made, there was room and no lord needed to sit upon the woolsack. Since the House was not large enough, the great officers have always sat upon it. This act doth not direct how the lords shall be called. The custom hath been to call first the lords at the bottom of the House who must go first in occasions of any solemnity. And if the junior lords are placed first, nobody can tell where the place of the first may be.

Bedford. The place of the first lords is determined, therefore you must begin with them: else the duke of Cumberland may be placed where the clerks are.

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for, it was insisted on, "That the Lords should take their due places." And thereupon, the act of parliament of 31 Hen. 8, intituled, "For Placing of the Lords," being read: it was moved, That the House be called over. Which being objected to; after debate, the question was put upon the said motion, and it was resolved in the negative.

*Debate in the Lords on a Motion for Instructions relating to the Convention with Spain**.] Then the order for adjourning the debate which arose on Friday last,

Abingdon. Some lords have been indulged with a chair set near the fire. A question was stopt, because the great lord Lincoln sat by the lord on the woolsack. He was afterwards excused from kneeling on account of his unwillingness.

Warwick. Which is the Earls' bench?

Gower. The act of parliament must take place of the order of the day.

Bedford. It is nonsense that lords should take their places without knowing them. Therefore you must be called over.

Delawar. The House is in good order at present. Where are the lords to sit—who if the House be called, will have no place? No business ought to interfere with an adjourned debate.

Aylesford. If the House is more numerous, that doth not void the act of parliament.

Newcastle. If you begin with the first now, what will you do upon Trials? Are lords to alter their places every day or leave vacancies? Then there will be one-fourth of the peers will not have places.

Bedford. Precedence here is the post of honour: in processions it is otherwise. In the Orders of the House it is required, that the order of the Lords be observed, only the Chancellor to sit on the woolsack as Speaker.

Newcastle. When the House sits in Westminster-hall, and the youngest baron comes in first, what shall he do? Wait till all are placed, or take his place immediately?

Abingdon. You cannot set a sick lord upon the woolsack: it is the place of the Masters in Chancery; but in a chair near the fire.

Ilay. Not clear whether the act of parliament requires to begin with the highest. The places on the woolsack are the best. Must the youngest barons sit there, or must it be in the gallery?

Hervey, C. P. S. The act mentions no call. Till you determine where the overflowing at the lower end shall be placed, you can do nothing. Nothing should intervene upon an adjourned debate.

Carteret. There was room the last time for every lord but two. Since that another bench hath been brought in. Unless the Earls go upon the cross bench after theirs is filled as far as there, they must sit in worse places than the barons.

Ilay. According to the act, the question of good or bad places is nothing.

Bishop of *Oxford.* Is there any order that nothing shall intervene upon an adjourned debate? If there be, let it be read.

Hardwicke, C. No written order.

Lovel. Before you call, say where must the lowest go.

Motion to call the House.

N. C. 63. Of whom bishop of Gloucester one.

C. 45. Of whom Pembroke, Cadogan, Lovel, Raymond, bishop of Oxford.

Gower. No lord must sit upon the woolsack.

Sandwich. I know not where to sit.

Hardwicke, C. Lords take their places as before.

Bedford. The act of parliament will not let me.

Aylesford. No lord is to speak out of his place.

Hervey, C. P. S. Adjourn.

Bathurst. Not when there is an adjourned debate. Read the Order of the Day.

* *From the Secker Manuscript.*

Order read, That the Debate on a motion to address for all Powers, Instructions and Memorials relating to the Convention be adjourned to this day.

Cholmondeley. Where will you begin and where end?

Bathurst. Begin with the Address of the House, to which No Search was added. It is said the negociations began without mention of No Search. The court of Spain say there was none till July, after the Convention was broke. We have acquiesced in this for 20 years together. It is said there was a Convention signed in August and sent back, and that the proposal of the 68,000*l.* was made by a minister in England: that another wrote an office letter to say he would not agree to it, and that matter was over-ruled. You should know how this is. Some things relating to the present time nobody hath moved for, as lord Cathcart's Orders. Some relating to future time have not been agreed to, as the queen of Hungary's demand. This motion relates to time past and intirely over, except that it hath drawn us into mischief by delays. We ought to have all the transactions relating to this affair or none. One lord hath intimated that if the Convention was not good to be kept, it was good to be broken. For by it we have proved ourselves to every body to have been in the right.

Halifax. Had this motion been made for curiosity, no argument hath been offered why it should not be gratified. There hath been great praises of the Convention. The nation hath not yet seen the excellency of it. The

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upon a motion then made, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions to the proper officers, to lay before this House, all the powers, instructions, memorials, letters, and papers, relating to the Convention concluded between Great Britain and Spain, dated at the Pardo, January 14th, 1739, N. S." being read; a question was stated upon the said motion. After debate, the question was put, 'Whether such an Address shall be presented to his majesty?' It was resolved in the negative.

Protest against rejecting the said Motion.] The following Protest was entered:

"Dissentient'

1. "Because we thought an enquiry into a transaction of such great importance to the honour, trade, and rights of this nation, not only necessary, but totally free from all the objections usually made to the calling for papers. The Convention having been concluded in January, 1739, and war having been since declared against

ministry should not be so modest as to keep the secret of their merit. Perhaps it was the work of one man, and the workman known by his work. It is no matter at present whether the Convention be good or bad. But every lord is supposed to move for the honour of his king and country. And therefore should not be refused if there be no reason against his motion. And why confine it to any part? A lawyer conceals what doth not make for his client: but we are advocates in the same cause, that of the king, the minister and the nation, which should be one. I thought the argument of secret had been carried far enough. And if past present and future is hid from your deliberation you will have little to do. If the ministry have been ever so right, and these papers prove only the Spanish insolence, let the nation see them. A negative upon this question will be a declaration that you are against all retrospect. Who may not afterwards flatter himself, if the ever memorable Convention escape examination? It may be said that whilst it was depending, we took some steps that may, if they are known, give umbrage to our allies. But we were told then that we had none. And surely we sacrificed none to bring it about. We sacrificed nothing but the trade and honour and security of the nation. It may, indeed, be an objection to letting our transactions be known that then all foreign nations may see how low we will stoop.

Newcastle. You will not go upon what rumours or enemies have said. There are many papers upon the table relating to proceedings before the Convention. And there is a paper proving, that by the first opportunity after the Address of this House, No Search was ordered to be insisted on in the strongest terms. And there were no private orders to contradict the public ones. It is not suitable to the dignity of the House to call for papers to contradict rumours. More of the proceedings before the Convention have been laid before the House than on any other occasion: more within two or three years, than in 30 years before. You cannot reasonably call for papers relating to the Convention, till you have censured it as a bad one. The restoration of a good correspondence with Spain is certainly desirable. And there may have things passed in the negociations which if made public, may prevent a thorough reconciliation.

Argyle. There was an Address from this House with an air of approving the Convention; the reason of which was, that we did not see the papers now asked for. By these we should have perceived that a much better bargain might have been made. If we are not to judge by Spanish pamphlets, let us have what we are to judge by. I believe the demand of No Search was made, but given up by those in the direction. I do not mean any lord in this House, whose maxim it hath been never to regard the people of Britain against the demands of a foreign power. Spain would have given you reasonable terms, if you had insisted on them with your swords in your hands. Papers may be called for before you condemn the transaction; else you must try the cause before you seek for evidence. It hath always been said, If the papers could but be produced, all would appear well. Now in the present case, there is no secret but this, that no one step of the administration will bear the light. After the Treaty of Utrecht had been approved, the houses of those who made it, were ransacked for papers, and many of them brought before this House. The interpretation of refusing papers now will be, that giving them may affect some minister. The lords who voted against the Convention surely can never be of opinion to refuse calling for more light.

Cholmondeley. I never saw a question of this extensive nature or so many ill consequences. All the papers relating to a negociation were never asked for before, when the treaty had been communicated and not condemned. The correspondence before the Partition Treaty was not laid before the House till the makers of it were impeached. The House came to a full and ample approbation of the Convention. What was done about the Treaty of Utrecht was accompanied with an Impeachment of High Treason. In a course of letters there may be things relative to the interests of other courts.

Argyle. The Papers about the Treaty of Utrecht were seized by the crown, and some laid before the House before any were seized.

I have forgot the Division on this question: but believe the bishop of Oxford voted on neither side, and the bishop of Glocester against the motion.

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Spain, so that we cannot conceive, that any discovery prejudicial to this nation, or advantageous to any other, can possibly result from an examination into the minutest particles of that negociation; but we rather apprehend from the manifest unwillingness of the administration to lay any such lights before us, that discoveries of another nature would be the necessary consequence of the communication of the papers called for in this question.

2. "Because, when we compare the conduct of the administration through the whole course of the Spanish affairs, with several circumstances that have accidentally appeared to the public, we conceive every part of that conduct liable to just suspicions of one kind or other. The repeated applications of the merchants, both to the crown and to parliament, for reparation for the past losses, and future security for their trade, the universal cries of the nation upon their insulted honour and violated rights, the several addresses of parliament to the crown, and the gracious answers and assurances given by the crown in return, seemed all to promise a just (and at that time easy) vengeance by the force of our arms, or an effectual reparation of past and solid security against future injuries, by an advantageous treaty of peace, whereas a Convention only was concluded, by which a scanty and insufficient reparation for our injured merchants was stipulated, and our most essential and undoubted rights of a free navigation to the West Indies without search or molestation, was at most referred to the future discussion of plenipotentiaries, if even it was ever mentioned at all.

3. "Because it has been asserted in a public paper dispersed all over Europe by the court of Spain, that our pretension to a free navigation was never so much as mentioned by our ministers, till the conferences arising in consequence of the Convention, and that the demand was never made in form till July 1739, which was after the Convention was broke by the non-payment of the money stipulated on the appointed 24th of May, and though we are far from asserting the contents of such papers to be true, yet, as they cannot but raise some doubt, that alone, in a matter of such great national consequence, seems to be a sufficient reason for a strict enquiry, especially since we cannot see any advantage that could arise to the king of Spain from asserting these facts, if they were not true; but on the other hand we see very strong reasons why the administration should desire to conceal them, if they are true.

4. "Because if the bare supposition of cases that may possibly exist, is to be used as an argument why the House should not apply for lights, we conceive that the supposition of other cases equally possible, and it may be more probable, is as good an argument why the House should apply for such informations; consequently, if we suppose that the Convention concluded at Madrid, Jan. 14, 1739, was originally negociated and executed at London in August 1738, with the Spanish minister then residing here, but that upon Spain's inserting in the body of the ratifications of that Convention, an act obliging our South Sea Company to pay the sum of sixty-eight thousand pounds towards the reparation to be made to our merchants, which act was then intended to be kept secret, though since discovered by the necessary communication of it to the South Sea Company, and their non-compliance therewith; if we suppose that thereupon the same treaty was re-executed by our minister at Madrid, who was instructed at the same time, to consent to an act of the same import, but varied only so as to conceal it; and if we further suppose that this sacrifice of the South Sea Company was originally proposed by one English minister to the Spanish minister, and upon his accepting it, rejected in an office-letter by another English minister, though afterwards brought into execution; and if these suppositions are in a great measure confirmed by some of Mr. Keene's letters, which have been made public, we conceive such transactions ought not to be buried in oblivion, and the author and his accomplices remain uncensured.

5. "Because we conceive the argument of its being too late in point of time, can be of no force, and only tends to prove that the House will think no time proper for calling for such papers. Some have been refused to be called for by the House, because they related to the present time, and whilst matters were in transaction, a discovery might be dangerous; others, because they related to future operations, and there also a discovery of designs might be detrimental. The present motion related to matters entirely passed, which being rejected, we must give up all further hopes of receiving any lights relating either to past, to present, or to future transactions. Posterity must there-

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fore be convinced, that we have been reduced to the necessity of taking matters in the gross, and of weighing the sum of things, since the particulars are hid from our sight.——*(Signed)* Carlisle, Bruce, Bathurst, Northampton, Masham, Aylesford, Suffolk, Ker, Macclesfield, Mansel, Falmouth, Ward, Gower, Westmoreland, Hereford, Cobham, Exeter, Litchfield, Greenwich, Clinton, Beaufort."

DEBATE IN THE LORDS ON LORD CARTERET'S MOTION FOR THE REMOVAL OF SIR ROBERT WALPOLE: *From the London Magazine**.] February 13. Lord *Carteret* † rose and addressed their lordships as follows:

My lords; I have a motion to make to your lordships, which, as a friend to our present happy establishment, as a friend to his most gracious majesty now upon the throne, as a friend to my country, and as a member of this House, I think I am in duty bound to make; but, as it is a motion of an extraordinary, though not an unprecedented nature, I must first beg leave to shew you my reasons for making it, and, I hope to shew such reasons, as will induce every lord of this House, to think, that it is now absolutely necessary to comply with it.

My lords, it is the duty of parliament, and especially of this House, to give our sovereign our most sincere advice, not only when it is asked, but often when it is

* Two distinct Reports having appeared in the London and Gentleman's Magazines, of the important Debates in both Houses on motions for the removal of sir Robert Walpole, it has been thought proper to preserve both of them in this Collection. The London Magazine gave the Debate in May 1741; the Gentleman's in the July following.

† *From the Secker Manuscript.*

Feb. 13. Motion for removing sir Robert Walpole.

Carteret. I am glad to see the House so full. The honour of the nation is at stake. And the oldest man hath not known such circumstances as we are in. When storms rise you must see what pilots you have, and take methods to make the nation easy. I shall, 1. go through the Foreign Transactions of several years. 2. The Domestic. 3. Prove that what I am about to propose is a parliamentary method.

1. I remember great approbation given to the Treaty of Utrecht, and in a little time the makers of it impeached. The capital fault of it was making France too strong, and Germany too weak. And if the House of Austria hath ever been too powerful since, it is a great justification of the Treaty of Utrecht. Errors in foreign affairs are worse than in domestic, for you cannot correct them. France made a peace with the emperor at Rastad, in which she stipulated nothing for Spain but the neutrality of Italy. The Quadruple Alliance was made afterwards to secure the duke of Orleans, and peace in France. The Emperor acknowledged Philip for the first time, and Spain gave up Italy and Flanders. Spain was forced to accept the Emperor's renunciation, and when he had renounced she must. Still there were many little difficulties between them, about which methods were proposed in England and France which nobody cared to execute, so all remained quiet and in suspence. We were frightened afterwards at the conjunction of the Emperor and Spain in 1725, and France laughed at us. This Treaty of Vienna consisted of four instruments: the last of which it was said was for setting up the Pretender, taking away Gibraltar, and invading the electorate of Hanover. Now this the Emperor would not do: but much less would he stipulate to do it: and shew the world that he had broken his oath with the princes of the empire: at the same time Spain stipulated to grant to the Emperor all the privileges in trade that were granted to the English and Dutch. But this was nothing to a power that could not use them; and the privileges were nothing but a total exclusion from all trade: for such was our treaty and that of the Dutch with Spain. This was the second instrument. The third carries it on to the empire, and is of no consequence. The fourth stipulates that the Emperor will not oppose the restitution of Gibraltar and Minorca, if done in an amicable manner. This was done only because Spain said we had promised it. And I believe nobody will say now that there was any thing in it in favour of the Pretender. Yet read the king's speech, 17 Jan. 1726, expressing the danger of the Pretender, of Gibraltar, and the Ostend trade, but still recommending the care of the Sinking Fund, that all might see that the present necessity should be no interruption of that. These terrible things came probably from a letter, probably written to be intercepted, and sent us by France. It was also stipulated that if any of the Emperor's ships was attacked on either side of the Line, it should be made *cause commune*. But this could relate only to the East Indies. And the affair of the Ostend Company might have been stopt for 20,000*l.* and would have come to nothing. The Dutch would have destroyed it immediately, if we had not meddled. But we took it up ourselves, and lost the court of Vienna. Now the enquiry is, in whose time these things happened? For a remedy to these dangers at Hanover in 1725, France agreed to

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not desired by the crown. As members of this House, we are in duty bound to have a watchful eye over the public measures his majesty is advised to pursue, and over the chief ministers he is pleased to employ in the administration of public affairs; and when we are of opinion, that the measures he is advised to pursue are wrong, or that the ministers he is pleased to employ are weak or wicked, it is our duty and our business, while we sit here, to warn our sovereign of his danger, and

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furnish 12,000 men, England 12,000, and Prussia 5,000, for 15 years. And these parties were not to enter into contrary measures without previous concert. This delivered us tied into the hands of France. Hence we lost all our allies. For every thing for 15 years that should pass was to be communicated to France. The same persons were in power then who are now. You cannot answer *non putaram*. You were of the cabinet council. You ought to have known these things. By this treaty all the parties guaranteed each others possessions in Europe, and out of Europe. The king of Prussia hath none out of Europe, and was he to guarantee our dominions out of Europe? Or do we want the guarantee of France to our possessions in America? No: but we thus guarantee theirs there. Another stipulation was to preserve the tranquillity of the Empire by attacking the emperor. But it was a costly treaty, and perhaps that recommended it. Hence came the Hessians, and the Baltic fleet, and we lost the Swedes for ever. There was then a talk of attacking the Emperor by the Prussians in Bohemia as not belonging to the Empire, and so Silesia is said now not to belong to it. In the same year 1725, the commissaries who had been at Dunkirk ever since 1717, returned. Now Dunkirk was to be no port, and it was the duty of the administration to take care of this. Yet the treaty was infringed, and nothing heard of it till the Dutch awaked; who are indeed awake when they seem to sleep, and sent to us in 1728. The commissioners of England and Holland made a report, that there was work done contrary to treaties. They apply to France, who says, We will comply by degrees, to hinder an eclat, *i. e.* to hinder the neglect of the English ministry from appearing. But still in 1729, the Dutch sent new notice, and we sent again to France, who says, she knows nothing of the matter, but nothing shall be done against treaties. Our commissary says, piles may be driven if they are not made for batteries. In 1730, this matter came into the Commons. Then a third complaint was made, and orders sent upon it to demolish the works, but they were never put in execution so far as appears. And now there are batteries raised, and Dunkirk is known as a port in our books since these batteries. If people fall asleep on their post, it is mild to say only, Pray remove them. But it was not enough to fall into the hands of France, unless we fell into those of Spain also, by the treaty of Seville, where we agreed to introduce Spanish troops into Italy, and sent a great fleet for it. And hence begins the ruin of the House of Austria, which, indeed, we have accomplished most luckily. It is our benumbing hand that hath put the Dutch in a palsy. After this in 1731, a treaty of alliance was made between the Emperor and us, to which the Dutch were brought to accede by the abilities of a noble lord, [Chesterfield] by which we guaranteed the emperor's dominions and succession. Had this been done 10 years sooner, it had saved millions. We were obliged by treaty to communicate this to France. But we broke that part of the treaty and did well. France took this ill: we were frighted, and resolved to break our treaty with the Emperor, to be well with France. Then they were both displeased, at last they made peace without us, and the Emperor connected himself with France. We broke the treaties of 1716, 1718, at the same time with that of 1731. In the matter of Poland, we encouraged Saxony and Stanislaus. After this we suffered the depredations of Spain: then we made the Convention. This, it was said, was to gain time to prepare for war. But if that had been the truth you would not have disbanded your sailors, whom you have not got again. And the war hath been carried on in a languid manner, at least by part of the administration. The administration is a large word: it hath been doubted who was meant: and it was said, Let us name whom we mean. The earl of Oxford was accused as treasurer, as privy counsellor. If I was in employment, and said there was no principal person and spring, I should be turned out. If one physician cannot cure a fever, take another. I am not for appearing in any thing peevish or personal. No foreign court will find fault with what I shall propose: nor any serious and considerate people here.

2. In Domestic Affairs I shall begin with 1727. Then the Sinking Fund became a great machine, and it hath produced 15 millions, which would have paid 20 millions of debt. Here we were all to blame; but we were misled, and we may resent that. Indeed, above 9 millions have been applied right: but in the same time you incurred 7 millions new debt. We have applied 5,400,000*l.* to the service of the year, and by this means they carried on all their negociations. Monied people were unwilling to receive their monies: the landed people were unwilling to pay taxes: and so each deceived the other. We have borrowed upon a mere name of Sweets, 500,000*l.* They have not brought in 50*l.*; and if they are not a good security the Sinking Fund must pay it. They may as well raise it from stones as Sweets. If the minister could carry to the king the Speech which hath been read, and say, This clause about the Sinking

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to remove weak or wicked counsellors from about his throne. As to the parliamentary methods of removing a minister, I need not acquaint your lordships that they are of several kinds, and that all but one tend to punish as well as remove. When we proceed by impeachment, by bill of attainder, or by bill of pains and penalties, the design is to punish as well as remove; but there is another way of proceeding in parliament, which tends only to remove the minister from the king's

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Fund I drew and have followed it, all would be well. But to say, the parliament broke in upon it! What, did they overpower you? Did you not oppose it? Have you no weight with them? The Place Bill just come from the Commons says, there hath been undue influence there. None of them contradicts it, and they know best. When persons of such a rank are turned out of the army in the beginning of a war, is not this as bad as attacking a minister in the beginning of a war? The earl of Stairs did such services abroad as no man else could have done, and I hope none will ever have need to do again: Yet we do not see him here. These things prove too much that something must be done. And what difficulty can there be in pointing out the cause of all?

3. The method I shall propose is not hard nor unparliamentary. The usage of parliament is the law of the land. And you must not measure parliaments by the 10 foot rule of the law. The law must be imperfect from its universality. A judge is *Quamdiu bene se gesserit;* and if he is convicted he may lose more than his place. But there is an exception unless by an Address of either House of Parliament. If a Judge is disliked so that people will not bring causes before him, if he hath discharged Juries without cause, &c. would you not address against him? You must make precedents when the case requires it. There are two ways in parliament quite regular: Impeachment and Address. The first may extend a great way: that is a criminal process, and there must be proof. But removing from a place is not punishing. If the generality of the people of all ranks think things would be better, were one obstacle removed, such a one is not fit to be continued. Our whole situation hath been foretold, and hath happened accordingly. And I wish there had not been the evidence there is to the nation, to all Europe. If he could lead us out, I should be willing to let him to do it. I put no reason into the Motion, because I would not do any thing offensive. I do not mean a prosecution. Commons may prosecute: we cannot. I bequeath my fame to posterity on this affair. Motion,

"That an humble Address be presented to his majesty, to advise and beseech him to remove sir R. W. &c. from his presence and counsels for ever."

Abingdon. Common fame is a ground for Impeachment, though I would not condemn a man upon it. One knows not what general complaints will produce. Universal poverty by unnecessary increase of expences: A large army kept to conquer nobody but ourselves: neglect of our naval force: one of our best ships reported unserviceable: one of the best ship-builders in the world turned out [sir Jacob Ackworth] to make way for an ignorant man: undue influence in elections: Instructions to Pool and Weymouth to turn out every man that will not vote so and so. The general discourse is, that the late Lord Chancellor broke his heart for not being able to make a Judge. Mr. Fazakerley is still at the bar, Dr. Waterland died a Presbyter. Each ought to act in his own sphere, and the people to be at liberty to chuse their representatives.

Newcastle. What hath been said affects a variety of persons alive and dead. An imperfect and partial account of things is made the foundation of an unparliamentary, unprecedented, and dangerous resolution, without one single fact contained in it, built upon the opinion of one lord, different from what the House hath determined upon mature debate. Nobody can make a full answer in one debate. The noble lord was long upon Foreign Affairs, short upon Domestic. Their opinion that the Quadruple Alliance would not be executed, was the reason why Spain and the Emperor agreed. There was a treaty concluded at Madrid in 1721, between England, France and Spain, without the knowledge of the Emperor, whilst France and we were mediators between the Emperor and Spain, in which we consented to Spanish Garrisons, to restoring the ships taken from Spain, &c. This might offend the Emperor: and we say we will consent to any alteration of the treaty that we can bring the powers to. The Regent in his declaration of war says, he hath promised the restoration of Gibraltar, and he engaged with Spain that he would never desist till it was procured. This a minister either did or should have known. Upon these things the Emperor concluded a treaty with Spain, which the effect shews to have been an offensive one. The intelligences about it were not suggested here, nor came by an intercepted letter. The Imperial minister directed the proceedings of Spain absolutely at the time of the siege of Gibraltar. The Dutch had nothing so much at heart as the Ostend Company. The Treaty of Munster excluded Flanders from trade to East and West Indies, and that of Vienna gives both.

Here the Proceedings of the House relating to the Treaty of Hanover, 17th Feb. 1726, [See Vol. 8, p. 509.] were read.

The treaty of Seville stipulated only the Spanish garrisons which were agreed in 1721, and this was done with the Emperor's consent. The second treaty of Vienna brought all right,

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counsels, without inflicting any real punishment upon him, and that is, by an humble address to our sovereign, that he would be graciously pleased to remove such a one from his counsels.

I believe, my lords, it will not be questioned, that either House of parliament may offer such advice to the crown by way of humble address; I believe it will not be said, that it is unusual, or unprecedented; and therefore I shall not trouble your lordships, with calling to your re-

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Sir R. W. had no concern in the treaty of Hanover, but concurring afterwards. The Emperor's ministers were to blame for the treaty of Hanover, and for what followed after that of Vienna. They should not have begun the wars in Poland and Hungary, without knowing what their allies would do. It was entirely owing to the Emperor that he had not Sardinia and Spain for his friends. He would not humour them in some punctilios, else the Spaniard declared he would not have joined against him; and these points he would have given up when it was too late. An accident happened at Dunkirk in 1722, by which the harbour cleansed itself insensibly to 1725. What hath been said about Domestic Affairs is chiefly on the wrong application of the Sinking Fund, which was approved by parliament. As to the method of proceeding, God forbid that ever a judge should be addressed against without proof. There hath been no precedent of the present kind in either House, but in the case of bishop Lloyd, when the Commons addressed the queen, to remove him from being Almoner, and this House declared that no person whatever ought to be subjected to punishment without being heard, and desired her majesty not to inflict any punishment on him without legal proof of some crime. The censure of this House is a great punishment, and more will follow. This is a House of Judgment, and ought not to judge without proof. In the other House, Common Fame is only a foundation for accusing to the king or the Lords. I have concurred in those matters which I have defended. Who is superior may possibly not always be clear: and, I hope, whether superior or inferior, all will be punished when they do wrong. But every body is to answer for himself. I desire no fault of mine to be excused, by the influence, authority, or advice of any man.

Argyle. The parliament only can protect the king against an evil minister, who hath pursued methods of self interest, till the king and kingdom are brought into danger. Had his administration been as good for the public as beneficial to himself, still there is one objection against them that would have justified this Address; but it hath been as destructive to the public as it hath been inconsistent with the constitution. His conduct of the Treasury is his natural province, and, indeed all his share. Now in this, no man was ever abler; therefore his faults cannot be ascribed to want of ability. I shall mention only two. This nation hath paid as much in a time of peace under his administration, as hath ever been paid by any nation, whether under a free or arbitrary government; and is now as much in debt as when he came into power. Therefore he hath managed wrong. The Civil List is the greatest that ever was known; greater than that of any prince in Europe, not guided I hope by any body, I am sure not by me. And it is some hundreds of thousands in debt, perhaps not less than half a million, and if it were but 20*l.* in debt, is not that a proof of wrong management? Not one man without doors, and very few of either House in a private room, will deny upon his honour, that he thinks money hath been employed illegally: private pensions to members of the House of Commons; Treasury and Admiralty boroughs, &c. If every lord that believes these things would but join for the Address, I should not fear being for once of the majority. Taxes are invented for bad purposes. The gatherers of the Salt Duty eat up one half of what they receive. They say this duty is to be mortgaged now. These officers are intended for other purposes. This gentleman's administration in the army hath extended to putting in and putting out officers. In treaties, others may have had some hand, but in the army, who else hath had any thing to do? All the generals together have not made ten officers. The fleet hath been much upon the same foot. But the finances of it have been more abused. The money that hath been paid on account of the fleet within six or seven years, hath been more than would have built the whole; and yet not one third of them are now fit for service. The fact of Spain and the Emperor agreeing to bring in the Pretender, I did believe, and do not. The squadron to the Baltic was of no use to us, but to the same purpose as the money given away in Sweden. Hosier's Instructions have been seen, and I hope there will never be such again. He was to stop the galleons by persuasion. The minister is answerable at the tribunal of God for every man that died at the Bastimentos. What, then, hath he to answer for? Our fleet came time enough to prevent the siege of Gibraltar. The Spaniards began after this to fetch the whole attirail for the siege. Our admiral saw this, and permitted them to go through his ships, and never fired till they had begun hostilities. Why did we send more than one or two ships to carry Don Carlos? Why, the Spaniards insisted that we should humble ourselves. This fleet saw the Spaniards in possession of our ground belonging to Gibraltar. For by the rules of war, we have a right to as much as our cannon can throw a ball over. This was given up after notice taken of it here, though it takes away the use of our Bay. It was an Article of impeachment against the

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membrance any of the precedents that may be found in the journals of parliament. I shall only take notice of the difference between the methods of proceeding by impeachment, by bill of attainder, or bill of pains and penalties; and this method of proceeding by way of humble address to the crown. When we proceed by impeachment, by bill of attainder, or by bill of pains and penalties, some particular criminal facts must be alleged, and there must be some sort of proof of those

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earl of Oxford, that he contrived to put Tournay into the hands of our enemies. Cabinet counsellors know nothing. But I have heard that this gentleman gave encouragement to the Emperor in the affair of Poland. And not assisting the Emperor, was owing to him also. Will the noble duke, and other lords in great offices, declare that they were of the same mind with him? But when we did resolve not to assist the Emperor, why did we not get our own terms of Spain, who had injured us, and of whom we might have had any thing? Yet we not only neglected this, but refused to send troops to assist the Portuguese; and the Spaniards sent an insolent memorial full of merriment, telling that they could not believe you meant any thing by sending your fleet to Lisbon if you did send it. Could they have conquered us, we ought rather to have died with our swords in our hands, than have borne it. When you sent Haddock first, there were six admirals older than he. Stewart had been infinitely discouraged for his behaviour at the time of the Convention, and was only sent to Spithead. Upon signing the Convention, the sailors were disbanded after two months, and orders sent to Haddock to return. It was immediately known the Convention would be broken. Geraldino told them his master would never give up Georgia or the Searching. Why were not preparations then immediately made? Why was there no more haste in raising men? Vernon's ships were bad. No force was sent after him, no troops sent to Haddock. Generals not advised with about the present expedition. I never chose a service in my life, and would have gone upon the first intimation. It was not offered to any other general, but a man sent who had served only as a lieutenant colonel. The trooops sent were officered in a manner shameful to be named. A great part of them were the scum of the universe: many of them should have had nurses sent with them. They might have sailed if they had been ready the end of July. As soon as the Convention passed, orders were sent to Georgia to leave off work. Why did you not think of Georgia when you saw the war necessary? Why not reinforce Oglethorpe. A ship with stores ordered to sail, Nov. 7, lay near three months for want of a convoy. Dunkirk ought to be no harbour: not proper indeed to make war with France upon this. The engineers sent by the government, both dead and alive, were ignorant, and they never received any orders through the master of the ordnance. The French may re-fortify that harbour even in time of war, and as the foundations are not demolished, they may proceed apace. You ought not to surrender the 9th article of the Treaty of Utrecht, which this gentleman hath done. For he hath permitted the custom-house officers to clear ships for the port of Dunkirk, and to receive custom from thence.

If my father or brother took upon him the office of a sole minister, I would oppose it as inconsistent with the constitution, as a high crime, and misdemeanour. I appeal to your consciences whether he hath not done this. Hath not every body applied to him in every thing? Each should have his department, and a council be held when any thing concerns all. A plain proof of his being sole minister is his being Treasurer. There is no first commissioner of the Treasury or Admiralty. If things can be ascribed to him singly in the Treasury, they may every where. He hath turned out men lately for differing with him. A great Judge, when it was pleaded that where different senses could be put upon words, the most favourable should be taken; answered rightly, that the court would see what every man in England sees. Who is it hath made officers in all offices? To whose house doth every body that wants any thing go twice a week, Clergy, Laity, &c.? I should require more proof than most men where a man was to suffer in life or estate: but removing a man is a different thing. What hath he done to many persons? Hath not he advised the crown to do this matter without proof, &c.? This is being a sole minister indeed. The Petition of Rights says, nobody is to be questioned for what they say in parliament, in any court of justice, &c. In the case of lord Halifax and others, even the House of Commons, who may impeach, have taken this method of addressing, when they had no mind to go so far as impeaching would carry them. My meaning is not to put out this man and see another in his place. The late Emperor was undone by favorites. Henry 5 had like to have been undone by a favourite Treasurer of the Exchequer, lord Scrope, who was not thought this prince's friend in his father's life time. The king gave him many things. He misled the king into negociating. But when the king discovered him at last, he was tried and condemned, and the first prince of the blood sat upon his trial. This is what the people of England expect now. "Take away the wicked from before the king, and his throne shall be established in righteousness."

Hardwicke, C. There is not one reason assigned in the motion, nor any attempt of a previous resolution to build it upon. Facts ought to be stated, and proofs given, not legal proofs to be insisted on, but parliamentary evidence.

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facts; but when we proceed by way of address to the king, that he would be graciously pleased to remove such a minister from his counsels, a general view of that minister's conduct, a general view of public affairs, may afford just cause for such an address, and common fame is a sufficient proof; for when no particular fact is insisted on, it is impossible to bring any particular proof. This, my lords, is the difference; and the reason of this difference is very plain. When a man is to be pu-

But the way here taken is indulging every inclination, every suspicion. This question concerns your lordships more than the gentleman. Consider how far any inclination to wound him, may wound yourselves and your posterity.

It is impossible to judge maturely upon treaties without more materials. The treaties of Hanover and Seville have been approved in the strongest manner by parliament. The Convention was approved in effect. The treaty of Vienna is allowed to have been a good one. We could do nothing about the ground adjoining to Gibraltar, unless we entered into a war upon it. Remonstrances have been made about Dunkirk with effect, in some degree. There hath been no year since the treaty of Utrecht, but vessels of some kind or other, may have come out. It may have been to be wished that the Emperor had found more support, and yet no fault in us that he did not. Was it not the general opinion, that it was not advisable to enter into a war without the Dutch, who in the beginning made a neutral treaty? nor can their doing this be proved to proceed from England.

As to Domestic Affairs: the legislature hath applied the Sinking Fund. It is dangerous to impute as a crime, a proposal made by any person in parliament. This is against freedom of debate. Undue influence is so general an expression, one knows not what to say to it. Such influence may arise from interest, hopes, fears, resentment, envy. This hath been improperly called a time of peace for many years; and our debts arose from the strength we exerted in the late war. This is the first time I ever heard that the Civil List was some hundreds of thousands in debt. If you will proceed upon this enquiry, you may, without this question. A sole minister is so illegal an office, that it is none. Yet a noble lord [Carteret] says, *Superior respondeat*, which is laying down a rule for a prime minster: whereas the noble duke was against any. In fact, there hath always been some person in peculiar confidence with the king, and there is nothing in this against the constitution. Before the law of Treason was reduced to a certainty, accroaching regal power was treason, and every thing was called so, and parties and persons destroyed one another under this name. At this rate the phrase of ministerial power will be capable of the same abuse.

No proof of the allegations hath been brought, but their notoriety. Now Common Fame was never used for more than a ground of accusation. The House of Commons disclaimed their proceeding upon Common Fame against the duke of Buckingham. [See Vol. 2, p. 52.] Lord Clarendon was run down in the House of Commons, though an able and upright minister. Serjeant Maynard was against impeaching him upon Common Fame. [See Vol. 4, p. 370.] If felony appears to be done, and circumstances make it probable that such a one is guilty, he may be arrested upon fame. Adopt not those proceedings of other courts which have been most censured. Yet courts which proceed upon fame, inquire whether the fame hath not been industriously spread.

The method of proceeding is the most irregular I have seen. It is a condemnation and branding a man to all posterity, without hearing or evidence. The Address against lord Halifax and others, in the House of Commons, was upon a Resolution, first, concerning the matter of fact. [See Vol. 5, p. 1248.] This method was condemned in the case of the 4 Lords impeached in king William's time, by this House. The Commons first impeached, then voted an Address to remove, but not till they had resolved upon the facts. This House voted an Address to the king, that he would not inflict any punishment till they had been legally tried. They considered removing as a punishment. The House of Commons had condemned bishop Lloyd, upon proof of the fact, and had voted an Address, &c. [See Vol. 6, p. 50.] But 19 Nov. 1702, this House resolved to address and set forth, That it is the undoubted right of every subject to make his defence, before he suffers any punishment, and therefore they desire the bishop may not be removed till he be found guilty by due course of law. Removal from offices and from court, hath been part of a form of judgment, as in the Cases of lord Middlesex and lord Bacon, in Jac. 1. [See Vol. 1, pp. 1239, 1411.] The Answer of Car. 2. about the earl of Halifax was, that he did not find the grounds, for they mentioned grounds, sufficient; but when any one was proved guilty by law, he would not stop justice. Removing judges was considered as a punishment by the legislature, and surely this would not be done without proof. There are some instances of such an Address from the House of Commons, as is now proposed, but none from the House of Lords, which is a firm and stable body, whose proceedings are not so liable to fluctuate, but more regular and on a better foundation. Lord Clarendon gives it as their character, that they proceed deliberately upon matter of fact. This is a House of judicature, not accusation or presentment. When you deviate from that, you depart from your dignity, and may give an extrajudicial opinion in a case that may come in judgment.

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nished, either in his person, his freedom, or estate, some crime, or criminal neglect, ought to be not only alleged, but proved by a legal proof, or by strong presumptions; but as his not being employed in the king's counsels neither affects his person, his freedom, nor his estate, therefore weakness alone, or a general bad character may be a good cause for removing him. A weak man is, certainly, in any country, very unfit for being in the king's counsels: and, in a popular government, a man who

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Perhaps the Commons are now turning this into a charge, and you are in the meanwhile judging upon facts before they come to you. The 47th standing order directs, that all just means of defence shall be allowed. This in the nature of Appeals in parliament. One lord might stand up, and appeal another for a high crime, and require the Lords to proceed to examination and judgment. This was found subject to great inconveniencies. There were many of these in the time of Richard 2, parties appealing each other as their power prevailed, and it ended in removing each other from the counsels and presence of the prince. Henry 4 abolished this as soon as he came to the crown, and as it tended to partiality, all historians and lawyers commend him for it. Many wise men have expressed their doubts about Bills of Pains and Penalties, and certainly a frequency of them would be bad. Yet they admit proofs and defence: whereas this is a proceeding not only against the forms, but the essence of justice; lets in suspicion, imagination, &c. Common Fame is often raised from enmity, credulity, libels. Things are often ascribed in courts to one person, which come out to be the doings of another. I desire not to be trusted with such a discretionary power as this would be. The only way to prevent its being your own case, is to prevent its being at all. Take away the necessity of proof and resentment, ambition, avarice, malice, every thing will be evidence. [This was a quotation from some lawyer.] This is an attempt to condemn the whole series of measures in the king's reign, and part of his fathers: to condemn several of the king's Speeches, one of which hath been read for that purpose, and the proceedings of three parliaments: to censure many persons who had more hand in many of these transactions than the gentleman accused: and this upon a sally rather than a deliberation of one day.

Carlisle. The last impeachment in the Commons was only on common fame: and the opinion of the person now under consideration was for it. Gibraltar was besieged, and the Emperor gave Spain no assistance; therefore he had not stipulated it. The affair of the Hawkers and Pedlars was a neglect of this gentleman's, who called it a pound of candles. The Excise Scheme. If a minister should propose giving the Land-tax and other taxes for 7 years, his proposing it in parliament should not hinder me from voting for such an Address as this. There was a proposal for inquiring into the frauds in the Customs, which were pretended to be the foundation of the Excise Scheme. Upon this the minister convened his friends and made a speech to them, and a Committee was appointed, but nothing came of it; no one officer displaced nor one regulation made. [See Vol. 9, pp. 10, 154.] If this motion is not carried, he must be left to his own thoughts and the justice of an injured nation.

Cholmondeley. For a man to say he was the sole adviser but perhaps out-voted, this is a mean subterfuge. This gentleman hath never prosecuted any thing important without the concurrence of the council, and what he hath done hath been since confirmed by parliament. The Commons will resent an attack upon a member of their House, who no way declines the strictest enquiry of parliament. Scipio and Hannibal were distressed by sedition, sir Thomas More, earl of Essex, sir Walter Raleigh. Such proceedings do most honour to the persons attacked. He hath been a steady friend to liberty, never ill-natured, &c. and will yet rise superior to any attempts of popular accusation.

Westmoreland. When common fame amounts to a notoriety of facts such as nobody doubts of, you should not tie yourselves to the fetters and chicanery of legal forms. The minister hath assumed to himself the airs of a saucy master: hath treated with his usual buffoonery what the nation hath set its heart upon, and will take care the ill success which he foretold in the war shall come to pass. [He also touched decently on the private bad example of this person, and wished he had a little hypocrisy.]

Halifax. Every subject of England could speak in this case from what he feels. The safety of the nation and the crown depend on the determination of this question. No one step in this gentleman's administration hath been for the honour of the public. Each year hath furnished fresh causes of complaint. The dispute is between this one man and the nation. Excepting those who depend on him, there are not 50 subjects in the kingdom but most ardently wish to have him removed. Former parliaments have been under the pecuniary influence of this gentleman, who made the same thing a charge in the case of the treaty of Utrecht. [Concluded with a citation of Tully against Verres.]

Bishop of *Sarum.* If this were considered as a matter of politics, what lords have said might be of weight, but not as a judicial thing. Rich. 1, left the Regency to the bishops of Ely and Durham. The first was deposed upon Articles against him, that he imprisoned the bishop of Durham and managed all himself. In the next reign was the case of Hugo de Burgo,*

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* See State Trials, (edit. by Mr. Howell) Vol. 1, p. 13.

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has incurred the general odium of the people, ought not to be continued in the king's counsels, because the unpopularity of the minister may at last affect the throne itself, and render the people disaffected to their sovereign.

I must therefore desire your lordships to take particular care to distinguish between the method of proceeding against a minister by impeachment, by bill of attainder, or bill of pains and penalties, and the method of proceeding against a minis-

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[of which I did not take an exact account.] The Commons accused the duke of Buckingham on facts: a multiplicity of places, &c. Every one who usurps what belongs not to him is an offender, be it in little or great. But there are many things in the king's free will. Is a man to blame if the king ask him all these to give his opinion? You must accuse him of recommending improper persons, and that will constitute a crime. You may advise the crown to remove him, but you ought not to do it without reason. It would be very bad that our allies should know we think treaties good to make, which are bad to execute. When the Emperor had got Sicily, he would not grant the investiture of Parma to Don Carlos. Common fame is grown in Spain and Portugal into the Inquisition. You took away the oath *ex officio* which hath lamed the proceedings upon common fame. But if you will proceed upon fame, you must purge the fame first from all malice. If fame is not supported by evidence there is an end of the proceeding. It was hard to find prosecutors. Therefore the civil magistrate in some cases in Germany and the Ecclesiastical Courts here proceed upon common fame: but do not go on if they find no proof. The House of Commons proceed upon fame because they are a house of presentment, not definitive judgment. The essential rules of justice are the practice of all courts. To hear the person accused belongs to all causes. When pope Clement was to put down the Knights Templars, he says, 'Quanquam de jure non possumus 'tamen ex plenitudine potentiæ dictum ordinem 'reprobamus.' By such proceedings you will sap the foundations of liberty.

Bedford. When the troops raised in North America came to Jamaica, they did not find sixpence to pay them: and the governor engaged his own fortune for it. Since October last, not the the least provision hath been suffered to go from Ireland to Jamaica, though there is now a quantity lying ready. Supposing a corrupt minister and a corrupt House of Commons, what can you do but that which is now proposed?

Hervey, C. P. S. You are arrogating the office of the Commons. Indeed you are debating whether justice shall prevail. You would be worse than the Inquisition, if you would not hear the criminal. And if you did, you have no witness to confront him. Four counsellors informed the Commons that they heard Lauderdale say, that Charles 2d's proclamations were equal to law, upon this there was an Address. If this gentleman be so bad, it is much he should never have thought of an act of Indemnity. If tried by law he would be found invulnerable as to every thing charged to day.

Raymond.

Haversham. In 1679, Charles 2 declared he would never be governed by a single minister any more.

Berkshire. The lords against this motion speak of their legislative and judicial capacity, and forget that of counsellors.

Hinton.

Finlater.

Bathurst. The greatest part of the debate hath run upon a false footing. This is a motion that arises from the requiest, the general demand of the people of England. Suppose a minister gets a House of Commons with 230 placemen, besides pensioners and other dependants, what can you do but this? You are not to be judges; the king will judge whether your advice be good. The king may desire to know your reasons. Give them as set forth to day. This gentleman hath not blundered but acted systematically to the ruin of the nation. There are things on your table that prove this. In the impeachment of the earl of Oxford it is charged, that he assumed regal power, as this gentleman hath done, and that he obtained the approbation of parliament to his dangerous designs. No Commoner ever before usurped the power this person hath done. A mischief is better than an inconvenience. And yet there is no great mischief to a man in being removed.

Ilay. If lords were proceeding in any thing that ever was called a form of justice it might be born. But this would be a perpetual infamy upon the House. No such thing was ever attempted in any country in the world. Will lords assume the regal power, and pardon every body concerned but this gentleman? As far as I have had occasion to know, there is nothing of this single influence. With what decency or dignity will it come from the House that there is. No lord, to be sure, expects to come into any place by this motion. It is a dissolution of the constitution, in which the king as the head hath his prerogatives: of these the chief is the executive power; and he must have the nomination of his servants, unless reason and evidence can be given against them. This is a preamble to usurping the nomination of Officers. Let the voice of parliament prevail, and those of faction be silent.

N. C. 89. Amongst whom duke of Leeds, earl of Oxford, bishops of Glocester, Oxford, Hereford.

C. 47. Amongst whom lord Romney.

Coventry, Foley, Brook, Darnley did not vote.

Proxies N. C. 19.
C. 12.

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ter by address only; because, if you do not take care to fix this distinction in your minds, you may expect from me what I do not intend to give, and what the nature of the motion I am to make, renders it not only unnecessary, but unfit for me to give. I am to move only for an humble address to his majesty, that he would be graciously pleased to remove a minister, I may say, the minister, from his counsels; and therefore, it is both unnecessary, and unfit for me, to charge that minister with any particular crime, or to acquaint your lordships that I have, and am ready to produce particular proofs against him. If this were my intention, I should think it below my dignity, as a member of this House, to content myself with moving for an humble address; I should think it incumbent upon me directly to impeach, let the consequence be what it would. Therefore your lordships are not to expect, that I am to accuse any minister of a particular crime, or that I am to tell you, that I am ready to bring proofs of what I allege against him. If I can shew that the affairs of Europe have been brought into the unlucky situation in which they are at present, by the conduct of this nation; or if I can shew, that the distressed condition in which our people now are, is wholly owing to our own conduct; either of these will be an argument that must, that ought at least, to prevail with every lord who is convinced, that this minister has been the principal, if not the sole adviser of that conduct. If the people be generally dissatisfied with the late conduct of our public affairs, and if that general dissatisfaction be wholly directed against any one man in the administration, as our government is still, I hope, a popular government, it is a sufficient cause for this House to let his majesty know the character of his minister, by an Address to remove him from his counsels. If there be any one of his majesty's ministers that has usurped, or that even is generally thought to have usurped the sole power of directing all public affairs, and recommending to all public posts, honours and employments, it is our duty, at least, to address his majesty to remove such a minister, because such a one is inconsistent with the constitution of our government.

Upon this question, my lords, it signifies nothing whether the general character the minister has gained, or the miscon-

Marlborough. Motion,

"That an attempt to inflict Punishment upon any person without allowing him an opportunity of defending himself, or without proof of a crime, is contrary to justice, law and usage of parliament, and a high infringement of the liberty of the Subject."

Lovel.

Gower. This carries a censure upon 59 members of the chief council of the nation. There is no precedent of such a thing.

Devonshire. The last motion carried a censure upon the majority.

Bedford.

Argyle.

Talbot. Should this motion go, it would be observed how many in place support it, and *v. v.* The lords who have spoken for it, are in great places I hope they will not be influenced by them, I will not say of any man that he is not influenced by a place.

Cholmondeley. Such words will do no lord any good. I do not desire they should be taken down, but hope the noble lord will guard himself. It is wanting respect to the whole House.

Talbot. By the eternal G—, I will defend my cause every where—[But lords calling to order, he recollected himself and made an excuse.]

Marlborough. I am not more influenced by a place, than others by the hope of getting into place.

Abingdon. This question hath no relation to the last. Put the previous question upon it.

Halifax. Every lord's indignation must be raised. There is not one single argument for the motion. It is an indecent reflection on this House.

Shaftesbury. The previous question.

Aylesford. Where is there an instance of a question of this kind, put by one part of this House upon the other?

Ilay. It is no censure upon any lords, but only on the contrary proposition. There was a question put, Whether the Church was in Danger. It was voted safe, and then voted, That whoever went about to insinuate the contrary, was an enemy, &c. [This was 6th Dec. 1705. But the whole question was put together, That the Church is safe, and whoever, &c.] [See Vol. 6, p. 506.]

Argyle. This means a reflection; but we shall not be reflected on.

Carteret. The question is a truism: and if the previous question is not carried in the negative, must pass *nem. con.*

Previous Question.

C. 81. Amongst whom duke of Leeds.

N. C. 54. Amongst whom bishops of Oxford, Glocester, Hereford, earl of Oxford, lord Foley, Coventry.

Bishops of Lincoln and Litchfield protested against both.

House rose a little before one.

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duct he has been guilty of, has been owing to his weakness, or his wickedness; for either is a sufficient cause for having him removed. But I must observe, that till he is removed, it cannot be made manifest by proper proofs, whether his misconduct, or his general bad character, be owing to his weakness or wickedness; for artful ministers always act by tools and under agents, who, whilst their patron is in power, will never reveal the flagitious secrets committed by him to their charge; but as such men are seldom faithful any longer than it is their interest to be so, remove the minister once from the king's counsels, put it out of his power to reward the wicked fidelity of his associates and tools, and the secret history of his dirty jobs will then begin to unfold itself, and may be made manifest by a legal proof. Suppose the king should be advised by a favourite minister to keep up a constant friendship and alliance with the greatest rivals and most inveterate enemies of his country; and that he should for this purpose sacrifice the interest, and forfeit the friendship of its most natural allies: whilst the minister is in power, this may seem to proceed from his weakness, or from his ignorance of the true interest of his country; but remove him from the person and counsels of his sovereign, and then it may appear to have proceeded from his wickedness: it may appear that he was corrupted by the enemies of his country, or that he knowingly and wickedly sacrificed the interest of his country to some private view of his own: if he employed any one in transacting or receiving the bribe, if he ever was so free in conversation with his friends as to unfold the motives for his misconduct, or the reasons why he gave such wicked advice to his sovereign, some of them, either for conscience or interest, may be induced to discover the secret, when it is safe for them to do so; but whilst he continues solely to enjoy the ear of his sovereign, it can never be any man's interest to accuse him, it will always be unsafe for a private man to do so; because the power of the crown will be employed in blasting the credit, or preventing the effect of his evidence; and probably in making the punishment fall, not upon the guilty minister, but upon the brave and honest accuser. The case of the earl of Bristol in king Charles 1st's time, may shew how dangerous it is to accuse a favourite minister, whilst he is in the zenith of his power and interest at court. Nothing could be more just than the accusation brought by that earl against the duke of Buckingham, yet it produced an accusation of high treason against that earl, in which the king himself was the accuser, and his Attorney-General the prosecutor*. This was a most terrible situation which that noble earl was brought into by his fidelity to his country and his own honour; and if the power of the crown had been in the same condition it is now, notwithstanding the heinousness of his charge against the minister, notwithstanding his full and well vouched defence as to the charge exhibited against him, he might, probably, have fallen a sacrifice to the resentment of that favourite minister.

Thus, my lords, from the danger there is in accusing a minister, from the impossibility there is of finding any legal proofs against him, whilst he continues in power, we may see the wisdom of our constitution, that has contrived a method for removing him from the king's counsels, without subjecting any single man to the danger of ministerial resentment, and without making it necessary to have any particular proofs. According to this method, and upon the motion I am to make agreeable thereto, your lordships are to form your judgment from the knowledge you have of our past conduct, and the general view you have of the present posture of our affairs, both abroad and at home. I am sure no man can say, that either the foreign or domestic affairs of this nation are at present in a good posture; and those who have for so long joined with me in blaming many of our public measures, and in foretelling what would be the consequences of them, must, I think, join with me in imputing our present unlucky situation entirely to our own conduct, and consequently to those, or to the minister, that has had the chief share in advising that conduct. For this reason, with regard to the motion I am to make, I cannot doubt of having the concurrence of all those, who have joined with me in condemning any of those measures that have brought us unto this distress: nay, I hope to have the concurrence of many of those, who have joined in approving most of our late measures; for though lords may be induced to approve of a public measure at the time it is transacted, either by the deceitful light in which it is represented by an artful minister, or by the false gloss

* See State Trials, (edit. by Mr. Howell) Vol. 2, p. 1281.

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then put upon public affairs, yet when time and consequences clear up the truth, they may condemn the measure they were formerly induced to approve; and, of all others, they have then the greatest reason to concur in addressing to remove a minister, who has deceived them, as well as their sovereign.

With regard to such of your lordships as have, by your opinions in this House, condemned many of our late measures, I should think it unnecessary to say any thing farther, in favour of the motion I am to make; but as there are many lords in this House, who had not an opportunity to consider, and give their opinion upon past measures, and as there are some, who approved most of them, in order to gain their concurrence, I think it necessary, and, I hope your lordships will give me leave to examine the conduct of our public affairs for 15 or 16 years past, in order to shew, that the present unlucky situation of affairs in Europe, and the present distress of the people in this nation, are both owing to our own misconduct. The maxims established ever since the Revolution, and the maxims upon which both the late heavy wars were founded, have been, to prevent the increase of the power of France, to support and increase the power of the house of Austria, as a balance to that of France, and to prevent, if possible, an union between the kingdoms of France and Spain. That these were right maxims for this nation to pursue, must be acknowledged by the friends of that minister, whose removal is to be the question I am to put to your lordships, because the chief reasons for condemning the treaty of Utrecht, which that gentleman had a great share in, was on account of its leaving too much power in the crown of France, and one of the branches of the house of Bourbon in possession of the monarchy of Spain; and the only reason we had for concluding the treaty in 1716, by which the island of Sicily was given to the emperor, and in which that gentleman had likewise a great share, was because the treaty of Utrecht had not given a sufficient power to the house of Austria in Italy. This, I say, was our motive for concluding that treaty, which was perhaps the foundation of all our broils with Spain ever since that time; and this motive prevailed, though we had then no immediate cause to be afraid of the power of France, or of an union or confederacy between France and Spain; because by the late king of France's death, and the duke of Orleans getting the government of that monarchy into his hands, the French nation was divided into two powerful factions, and a great distrust established between the courts of France and Spain.

Now, my lords, if these maxims are such as this nation ought to pursue, or ought ever since that time to have pursued; and if I can shew, that they have, every one of them, been departed from, and that the present untoward state of affairs in Europe, as well as the present distressed condition of this nation, are both owing to this departure, surely it must be allowed, that our conduct has been directed by weak counsels, or something worse. By the regent's death, and the government of France's coming into the hands of the duke of Bourbon, a mutual confidence seemed to be restored between the courts of France and Spain, and this ought to have put us upon contriving methods to interrupt or diminish that confidence; but so far from it, that we refused to take advantage of the most favourable accident that could happen for this purpose. By the French court's sending back the infanta of Spain, this mutual confidence was not only broke off, but an enmity established between the two courts, which might have been rendered perpetual and implacable, if we had made the proper use of that accident. The court of Spain resented so highly the affront, that they would no longer admit of France as a mediator at the congress of Cambray, for adjusting the differences between them and the emperor. They offered us the sole mediation, and it was very much the interest of this nation to have those differences adjusted in an amicable manner, and to have a perfect good correspondence restored, and the ancient alliance revived, between the courts of Vienna and Madrid; but, I do not know how, a maxim then begun to prevail amongst our ministers, that we ought not to do any thing that might disoblige the court of France; and I must observe, it was at that time, a certain hon. gentleman began to have the ascendant in all our counsels. For this reason, we refused to accept of the sole mediation offered us, both by the court of Madrid, and that of Vienna, or to interfere between them, without the assistance of the court of France.

Thus, my lords, we neglected the best opportunity that could have offered, for establishing the system of affairs in Europe, upon that footing which is the most happy

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for this nation; but providence atoned for this neglect, and would have done it for us, if we had not, by a most unaccountable fatality, counter-acted this new interposition of providence. The court of Spain was so much irritated against France, that they resolved, at any rate, to be reconciled with the court of Vienna, and when they found they could get no mediators, these two courts began a correspondence between themselves, which ended in a treaty of peace concluded at Vienna the 30th of April 1725, and a treaty of alliance and guaranty concluded the next day at the same place. This, my lords, was the very thing we ought to have wished for, the very thing France had to fear. It was the interest of Britain to accede to this alliance, and we were invited to do so: it was the interest of France to break this alliance, to prevent our acceding to it, and to reconcile themselves with the court of Spain, if possible. These ends they accomplished; but what is most surprizing, they not only prevented our accession to this alliance, but they made us their instrument for reconciling themselves to the court of Spain, and for creating a new difference between the courts of Vienna and Madrid. For this purpose, they made us believe, that a secret treaty had been concluded between Spain and the emperor, by which these two powers had agreed to set the Pretender upon the throne of these kingdoms, to take Gibraltar from us, and to destroy our trade both in Spain and the Indies.

I say, my lords, the French made us believe this; for I am thoroughly convinced, it was all a forgery; and I am convinced, the forgery was first contrived in France. But suppose the fact had been true: was it in the power of the emperor and Spain to carry any of these stipulations into execution? was it in the power of both, joined together, to hurt this nation either in its trade or possessions? what then ought we to have done? we ought to have despised it; and when these two powers had found that they had been misguided by some of their ministers, and advised to concert schemes, which both, joined together, could never put in execution, they would have been glad to reconcile themselves to this nation at the expence of those who had put them upon forming such chimerical projects. We had not, therefore, the least occasion to seek for allies, in order to defend us against these two powers, or to attack either of them, unless they had attacked us. But this would not have answered the ends of the French court, and therefore, by means of this bugbear they prevailed on us to join in an alliance with them by that most fatal treaty of Hanover. Still this was not enough: the politic court of France saw, that the emperor was a proper ally for defending Spain against an attack from them, but a very improper and useless ally for defending Spain against an attack from us. For this purpose they knew, that they only were a proper ally for Spain, and in order to convince the Spanish court of this, it became necessary to prevail with us, to make some sort of an attack upon Spain. How to do this, one would think, might have appeared a little difficult even for the court of France. The treaty of Hanover, bad as it was, was only a defensive treaty: we were not thereby obliged to begin the attack. What was then to be done?

My lords, the consequence is really amazing: they persuade us, that the emperor and Spain were certainly to begin the war, as soon as the latter got their treasure home from the West-Indies, and that therefore it was necessary to send out one squadron to prevent the Spaniards from making an invasion upon us, and another to prevent their getting their treasure home from the West-Indies. As the French have ships of war as well as we have, it was natural for us to desire the French to join with us in these expeditions; but as they had a mind to make us quarrel with Spain, without their having any hand in the quarrel, they got us to take the whole of the naval expedition upon ourselves, under pretence that they were to make preparations by land; and accordingly we sent, at a great expence, two powerful squadrons to sea, one to the coasts of Spain, and another to the West-Indies, which the Spaniards looked on as a real attack, and immediately began hostilities against us. However, as the French had no mind that we should hurt Spain, or get any advantage to ourselves, both our squadrons had orders not to make any real attack upon Spain; nay, even after the Spaniards had begun hostilities against us, and actually besieged our town of Gibraltar, our good allies the French would neither assist us, nor allow us to commit any hostilities against the Spaniards.

Our squadrons, my lords, were only to prevent an invasion, which I am sure was never intended; and by obstructing the arrival of the Spanish treasure, to prevent a war, which I am confident was never de-

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signed. By this means, however, the French accomplished what they had in view. The court of Spain was in great distress for want of their treasure, and they saw themselves unable to hurt us. By this they were convinced, that it was absolutely necessary for them to be reconciled with the court of France, in order to prevent their being thus insulted by us; and this prevailed on them to forgive an affront which otherwise they never, perhaps, would have forgiven. As soon as this was done, the French became mediators for reconciling the differences between Spain and us, which they themselves had raised; but this was not out of any good-will to us: it was to lead us into another snare by making us joint instruments with them in causing a new difference between Spain and the emperor. By the quadruple alliance it had been provided, that 6000 Swiss or neutral troops, should be introduced into the strong places of Tuscany, Parma, and Placentia, in order to secure the eventual succession of those duchies to the queen of Spain's eldest son. This the emperor had agreed to, and the queen of Spain was satisfied with; but after the French had by our means, as I have shewn, fully reconciled themselves to the court of Spain, and had become mediators between that court and us, they persuaded her catholic majesty to insist, in her negociations with us, that instead of neutral troops, 6000 Spanish troops should be introduced into the strong places of Tuscany, Parma, and Placentia. As this was an article we had nothing to do with, as it was an article which we knew the emperor would not willingly agree to, and consequently, would raise a difference between him and Spain, it is surprizing, we should allow it to be mentioned in any negociation between Spain and us; yet so prevalent was the influence of the French upon our minister, that he not only allowed it to be mentioned in the negociation, but agreed to its being made an express article in the treaty of Seville; and for the performance of this article, we became sureties jointly with France; that is, my lords, we engaged to join with France and Spain in a war against the emperor; and this we did without any sort of necessity, without obtaining any one advantage for ourselves.

The emperor foresaw the danger of admitting Spanish troops into those places; nay, it was foretold in this House when that treaty was under our consideration; and for this reason the emperor would by no means consent to it, unless we should become guarantees of the Pragmatic Sanction, without any condition or restriction. This we were obliged to agree to, in order to get out of the labyrinth we had led ourselves into, and a treaty for this purpose was concluded between the emperor and us at Vienna, in the year 1731, without stipulating any one advantage for this nation, or so much as a tariff or treaty of commerce between this kingdom and the emperor's dominions in Italy and Flanders, though our trade to both these places wanted much to be regulated, and the latter has since furnished our minister with a pretence to pension some of his friends, under the title of commissaries to settle that tariff. This treaty at Vienna, however, I shall not find fault with: the greatest fault was its being delayed too long: if we made it with a design to perform it, I shall allow it was a right measure; but by what happened soon after, I suspect, that some amongst us had no intention to perform this guarantee, even at the very time it was agreed to; and for justifying my suspicion in this respect, I must turn to the other side of Europe. At the very time we concluded this treaty of Vienna, Augustus the late king of Poland was in a bad state of health, and the nobility of Poland, as well as the neighbouring powers, were beginning to think of a new election. Every one foresaw, that the contest would lie between the electoral prince of Saxony, son of the then king of Poland, and Stanislaus, father-in-law to the king of France; and if we were serious in our guarantee of the Pragmatic Sanction, it was easy to see which side we ought to take in this contest. It was easy to see, that it was our interest to oppose, as much as was consistent with the liberties of Poland, the election of Stanislaus. Whether we did so or not, does not yet appear, for the parliament was denied the liberty of seeing any papers or instructions relating to that affair; but if credit is to be given to common fame, we shewed great regard to the court of France in this particular, as well as every other. Nevertheless, the court of Vienna did their duty; they made all the interest they could against the election of Stanislaus, without encroaching in the least upon the liberties of Poland. The Muscovites, indeed, went a little farther, because the republic of Poland was obliged by treaty with them, never to chuse Stanislaus, and therefore they opposed his election by force of arms.

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This gave a pretence to France, in conjunction with Spain and Sardinia, to attack the Emperor in the year 1733. Our joining the emperor in this war would, in all human probablity, have entirely cast the balance, and by the event, we might have repaired all the faults and oversights that were committed in the negociations and treaty of Utrecht; but we remained idle spectators, and by this our inaction, the power of the house of Austria was diminished, the power of France increased, and the whole system of Europe turned upside down; which to me is an evident proof, that those who had the direction of our counsels, had no intention to perform the stipulations they entered into by the treaty at Vienna in 1731; and if they had not, it was a downright betraying of the emperor: it was, by a treacherous promise, never intended to be performed, leading him in to consent to the introducing of troops into Italy, which he was sure, would be employed against him the very first opportunity, as they accordingly were within two years after. What dishonour this brought upon the nation, what distrust it begot among those who are our natural allies, what injury it did to that system of affairs in Europe, which it was the interest of this nation to support, I need not explain to your lordships.

That this system is now almost entirely overthrown, is evident to every one who considers the present circumstances of Europe; and that this overthrow is owing entirely to our conduct, I have, I think demonstrated. My lords, it is owing to our having been in French leading-strings, ever since a certain hon. gentleman began to have the ascendant in all our counsels, and in the conduct of our public affairs. If by this conduct, if by sacrificing our allies, and re-uniting the two branches of the house of Bourbon, we had got great advantages for ourselves, it would be some excuse for this unaccountable conduct; but so far otherwise, my lords, that during this whole period, and notwithstanding the many signal services we have lately done to the House of Bourbon, we have been sacrificing our trade and navigation to the manufacturers of France, and the pirates of Spain. The French have, during this whole time, been improving their trade, and their manufactures, at the expence of ours; and the Spaniards have been plundering our merchants, and interrupting our navigation, under the most unjust and ridiculous pretences, both in the American and Mediterranean seas; without our stipulating any thing in favour of our trade, or manufactures, from the former; and without our obliging the latter to acknowledge our just rights, disavow their unjust claims, or make satisfaction to our injured merchants and seamen; notwithstanding the many acts, preliminaries, conventions, and other sorts of treaties, we have concluded with these two powers; and the great expence we have put ourselves to, solely for their service.

In short, my lords, upon a general view of our conduct, with regard to Foreign Affairs, it appears so unaccountable, and the consequences now shew it to have been so destructive, that it is hardly possible to think it altogether owing to weakness; and if the truth were known, which never can as long as the same ministers continue in power, and have the disposal of all public honours and favours, something worse than weakness, might, perhaps, be made appear by legal proofs. This, however, I shall not aver nor insist on; but to doubt of the weakness of this conduct, or to desire that this weakness should be made appear by legal proofs, is the same with doubting or desiring proofs of the parts being equal to the whole, or of the sun's shining, when our eyes are dazzled with his beams. Let us now examine what effect this conduct has had upon our domestic affairs. If we had made the proper use of those providential accidents that occurred, for establishing a good correspondence between the courts of Madrid and Vienna, and, of course, a sort of distrust between the courts of France and Spain; if we had not defeated the effect of those accidents by our following the counsels of France, it is more than probable, I think, it is certain, that we should have had no occasion to keep up dangerous armies, or fit out expensive squadrons. Ten or twelve thousand regular troops, and a few guard-ships, as a security against any sudden attack, would have been the most we should have had occasion for; and this expence, the malt-tax, and the land-tax at two shillings in the pound, would have been sufficient to answer. If we had reduced the public expence within these bounds, we should have been able to pay off a great part of our old debt, without contracting any new; and might have abolished a great many of those taxes which lie heavy upon poor labourers and manufacturers, and which, consequently, enhance the price, and thereby prevent

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the sale of our manufactures at all foreign markets. As Spain would have had a continual dependance upon, and a close correspondence with this nation, they would not have attempted to make such encroachments upon us as they have done; for we may observe, that their insults and encroachments upon us, have always borne a proportion to the correspondence subsisting between them and France: our South-Sea Company would have met with no interruption in their trade to New-Spain; nor would the sale of our manufactures have been interrupted and discouraged, as they have been, both in New and Old-Spain. And the certain consequence of all this would have been, an utter impossibility for France to improve and increase her manufactures, especially those of wool; which would have been a more effectual stop to the clandestine exportation of our wool, than any other method we can contrive. For if we could work up woollen manufactures as cheap as they can do in France, we could sell them cheaper at all markets, because we have the wool cheaper, which would prevent the sale of their manufactures at any foreign market, nay, even in their own markets at last, by the clandestine running of ours in upon them; and if they could sell no woollen manufactures, they would neither be at the pains, nor expence, to steal our wool away from us.

All these consequences, my lords, the court of France were fully sensible of; and therefore they made it their business to re-unite themselves as soon as possible with the court of Spain, to create breaches between Spain and us, and between Spain and the emperor, and to make us put ourselves to an extraordinary expence upon every occasion. All this they have, fatally for us, succeeded in; but it is very surprizing, that, in every step, they should have been able to make us their tools for our own undoing. After our being drawn in to the treaty of Hanover, as I have mentioned, we immediately put ourselves to the expence of augmenting our army, which was before too numerous; of taking foreign troops, and foreign princes, into our pay; and of fitting out costly, but useless squadrons. When Don Carlos was to be sent to Italy, we put ourselves to the expence of sending a powerful squadron to the Mediterranean, to pay that prince the compliment of conducting him in triumph thither. When the emperor was attacked in 1733, though we took no share in the war, we took care to have a share in the expence, by making great warlike preparations. In short, for these fifteen or sixteen years past, we have missed no pretence for putting ourselves to an extraordinary charge, as if we had thought, that the worst thing we could do, was to pay off our debts, or ease our people of their taxes: when any of our neighbours came to an agreement, we were to raise armies, and fit out squadrons, in order to make them fall out; when any of our neighbours fell out, we were to raise armies, and fit out squadrons, in order to make them agree: when we were engaged in negociations, we were to keep armies and squadrons in pay, in order to render those negociations effectual: when our negociations ended in a treaty, we were to keep armies and squadrons in pay, for enforcing the performance or observance of that treaty; and when no other pretence could be found, when the tranquillity of Europe seemed to be perfectly established, we were to keep armies on foot, because, when our neighbours had no quarrel amongst themselves, they had the more leisure to think of invading us.

This, my lords, has been our conduct with respect to domestic affairs, and the consequence is, that our public debts are now very near as great as they were at the end of the last heavy war: if we have paid off with one hand, we have contracted near as much with the other; and no one tax that was imposed during the war, has either been taken off, suspended, or diminished, except one moiety of the land tax, and the salt tax for one year. It is this, my lords, that has given the French such an advantage over us with regard to trade and manufactures. It is this that keeps the interest of money at a higher rate, and private credit at a lower ebb in this country than in any trading country in Europe; and it is this that has rendered our people generally discontented, which discontents have been very much heightened by the severe and oppressive laws that have been enacted, and the more oppressive schemes that have been attempted, under pretence of their being necessary for collecting the public revenue. The excise scheme alone was cause sufficient for all the discontents that have since appeared: it was such an attempt upon our liberties as could not but give a general alarm to a free nation; and it was resented accordingly by the people. We may remember how the author of it was treated at most of the cities and be-

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roughs in the kingdom. Whether that attempt proceeded from weakness or wickedness, I shall not determine; but the minister that patronized it ought immediately to have been removed from his majesty's councils, in order to shew the people that his majesty no way favoured such a barefaced attempt upon their liberties; and if none about his majesty has yet advised him to remove such an unpopular, such a hated minister, we ought to supply that deficiency. Your lordships in this House are his majesty's great and chief council, and therefore, when you find that his other councils have neglected to give him proper advice, it is your duty, it is your business, when assembled here, to supply that neglect. A sole prime minister may be able to prevent the truth's reaching the ears of his master, by means of any of those he suffers to have free access to his person; but, I hope, no minister will ever be able to intimidate your lordships, or prevent your speaking decently, freely, honestly and sincerely to your sovereign.

If in a free state, no unpopular minister ought to be allowed to continue in the king's councils, or about his person, I am sure the motion I am to make, ought to have been the resolution of this House, the very next session after the excise scheme was rejected; but your lordships were willing, perhaps, to indulge the patron of that scheme, with an opportunity of regaining the good will of the people by his future conduct. Has he done so, my lords? Has he not, almost in every step of his conduct since that time riveted himself in the hatred of the people, I mean those who are not immediately in his pay, or in expectation of soon being so? It would be too tedious, my lords, to mention all the weak and unpopular parts of his conduct since that time, and therefore I shall confine myself to our late management with regard to Spain. I have already shewed the weakness of the treaty of Seville, with regard to the breach it occasioned between Spain and the emperor; but that was far from being the only one. The Spaniards had before then set up their pretence to a right of searching our ships in the American seas, and confiscating ship and cargo, if they found any goods on board which they were pleased to call contraband. In pursuance of this right, they had confiscated several of our merchant ships, after peace was restored between the two nations by the Convention, signed at the Pardo, March 6, 1728. Our merchants, after having applied in vain to our minister, made their application to parliament in 1728, and plainly pointed out to him, what we ought to insist on from Spain, yet all he desired, or at least obtained by the treaty of Seville, was a renewal of former treaties, though he knew, that, under the colour of those treaties, the Spaniards had set up this very right; and with regard to the depredations that had been committed, he contented himself with stipulating to have them referred to commissaries of each side, who were to assemble at the court of Spain, and had three years to make their report; by which our minister got an opportunity of obliging some of his friends with pensions, and the Spaniards got an opportunity not only of continuing their depredations, but of robbing us of that money which our commissaries, their clerks and servants, were obliged to spend in the dominions of Spain.

These oversights, my lords, might, perhaps, have proceeded from weakness; but it is impossible to suppose, that what followed could proceed from weakness alone. The Spaniards continued their depredations with as much vigour as ever, and thereby shewed the meaning they put upon those treaties that had been renewed by the treaty of Seville: and they made such trifling work with our commissaries, that before the year 1733, every one saw we could expect no reparation for what was passed, nor security in time to come, but by force of arms. The right we had to a free navigation in the American seas, and the right we had to carry what goods we pleased from one part of our own dominions to another, was a point that could admit of no discussion: it was a plain, simple question we were to put to the Spanish court, Will you admit of this right or no? If they denied it, if they shuffled, the immediate consequence should have been a declaration of war. They did not shuffle: they in a manner expressly denied it: they not only insisted upon, but exercised the right they had set up, to search every British ship they met with in the American seas, and to seize and confiscate ship and cargo, if they found on board any of those goods they were pleased to call contraband. This was the state of affairs between the two nations when the Spaniards attacked the emperor in Italy. Ought we not, for our own sake alone, to have laid hold of that opportunity for declaring war against Spain? on the con-

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trary, we continued to negociate about a point which could admit of no negociation; and though it was evident, that if we allowed the French and Spaniards to prescribe terms to our old ally the emperor, it might very probably be in their power afterwards to prescribe terms to us, yet we let slip this opportunity; we continued to suffer patiently the insults and injuries that were put upon us by the Spaniards: we continued to negociate, and by so doing gave up the point in question. Nay, my lords, the very papers upon our table shew, that either our minister and those he employed did not understand the point in question; notwithstanding the clear light it had been put in by the repeated application of our merchants; for after having seen how little care had been taken of them in the treaty of Seville, they had applied again to parliament in the year 1730. I say, my lords, the papers upon our table shew, that either our minister and his under agents did not understand the point in question, or wickedly gave it up; for when they complain to the Spanish court, as they do in some of their memorials, of the Spaniards carrying clandestinely some pieces of eight on board our merchant ships, and then seizing them for having such goods on board, they admit, that if those goods had been found on board, without having been first clandestinely carried there, it would have been a just cause of seizure.

But my lords, this of giving up the right of this nation, and of mankind, by negociation, was not enough for our minister; he was resolved to give it up by treaty, which leads me to consider our late Convention with Spain. By our continuing to negociate, and to suffer, the Spaniards grew at last so insolent and rapacious, that our merchants were forced to apply a third time to parliament in the year 1738, and the resolutions of both Houses thereupon were so strong, that our minister found, something must be done: A new treaty must be obtained, or a war must be declared. Upon this, what did he do? He put the nation to a great expence: He amused the people with warlike preparations; but this was not done, as appeared afterwards, to obtain reparation; or to force the Spaniards to acknowledge our undoubted rights, or disavow the claims they had so unjustly set up. It was done with a view only to obtain a new treaty; and after he had negociated a whole summer, at the expence of 4 or 500,000*l.* extraordinary to the nation, he by treaty accepted of 27,000*l.* I can call it no more, in full satisfaction for all past depredations, damages and insults; and what was still worse, he expressly gave up the freedom of our navigation in the American seas, by referring it to be regulated by plenipotentiaries. This, I insist, my lords, was expressly giving it up; for what could our plenipotentiaries say to the Spanish upon this subject? They could not say, we will admit of no regulations in a case which is expressly referred to us to be regulated; and if they had admitted or agreed to any regulations, our navigation could no longer have been called free.

Upon this, my lords, upon the first view of this Convention, the spirit of this nation began to appear, and to exert itself in such a manner, as convinced our minister that even he, notwithstanding his unparalleled power, durst no longer venture to trifle with the honour, the trade, the navigation, and the rights of his country. Thus, by his own misconduct, and by that alone, he saw himself reduced to the necessity of coming to an open rupture with Spain, at a time when the affairs of Europe were in the most unhappy situation for this kingdom. Spain at that time in a close alliance with France: the power of the house of Austria very much diminished by the late war, and by his conduct brought under a sort of dependence upon the court of France: the Dutch not at all inclined to join with us in any warlike schemes; and the kingdom of Sweden entirely governed by French councils. In these circumstances it was evident, that we must either submit to carry on the war against Spain, according to French directions, in which case we could never expect to meet with success, or to bring it to a conclusion; or we must resolve to support a war by ourselves alone, against the two powerful kingdoms of France and Spain. In this unfortunate dilemma it was easy to chuse; but from what has since happened, I fear our minister has chosen the worst side of this dilemma. Our business certainly was to resolve to prosecute the war with vigour, even though France should threaten to join against us; and therefore we ought to have been as expeditious as possible, both in our preparations and attack; in order that we might have possessed ourselves of some of the most convenient parts of the Spanish settlements in America, or the whole, if we could, before Spain could prepare for her defence, or France prepare to

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assist her. I do not say, my lords, that we ought to have possessed ourselves of the whole Spanish West Indies, with a design to hold them, but only with a view to force Spain to a compliance, or to enable ourselves to support the war, in case France should resolve to support the Spaniards against the just demands we had upon them.

Now, my lords, let us see if the warlike conduct of our minister has been better and more prudent than his peaceable. Though he saw that an immediate war was become unavoidable, as soon as the Convention was published in this nation: I say, an immediate war; for though the Spaniards had paid the 95,000*l.* yet if they had not expressly and immediately given up the point of search, it would have been absolutely necessary for us to declare war against them; and this our minister knew they would not do by fair means, therefore he must have been sensible, that an immediate war was unavoidable; yet he did not, for four months after, make the least preparation for beginning it; and when it was begun, it was by way of reprisals only; by which method we could never propose to bring the Spaniards to a compliance, and it was giving them warning to provide against us, in those places where it was most our advantage to attack them. When I say attack them, I believe every one of your lordships will suppose, I mean the West-Indies. It was there, my lords, where we could make the Spaniards most sensible of our power: it was there they were least prepared to resist us: it was there we could do them the greatest mischief; and it was there only, we could attack them with any considerable advantage to ourselves. For this reason we should have begun the war, we should have begun hostilities by an attack, not upon their ships, but upon some of their settlements in that part of the world; and, for this purpose, we might have had a fleet, with five or six thousand regular troops on board, ready to sail for the West-Indies, before we published our reprisals, and that without giving any previous alarm. Admiral Vernon's success at Porto Bello is an evident proof of what success we might have had, if that admiral had been properly provided for taking and holding as many of the Spanish settlements in America, as he could conquer. We should soon have been masters of Porto Bello and Panama, which would have laid both Mexico and Peru open to our attacks; and by sending that admiral proper supplies, which neither the Spaniards, nor even the French could prevent, we might, by this time, have been in possession of all the mines of Peru; which would have compelled the enemy to submit to our terms, or it would have enabled us to support and carry on the war at the expence of our enemies, and without loading our own people with any new debts or taxes.

But instead of this, my lords, what have we done! nothing that can be of any great advantage to ourselves, or prejudice to the enemy. No troops were ever sent to the West-Indies till the end of October last, which was above a year after the declaration of war, and near 16 months after the Spaniards had notice to prepare for their defence in that part of the world. Nay, by such of admiral Vernon's letters as we have been indulged with the sight of, it appears that, notwithstanding the notable services he had done to his country, notwithstanding his repeated requests, no care was taken to send him proper stores or provisions, for enabling him to proceed in his designs against the enemy. By this neglect it would really seem, as if our minister were afraid, lest that brave admiral should too much distress the enemies of his country: and for this I can assign no reason, unless it be, that our minister has laid himself under engagements to a certain foreign minister, not to distress the Spaniards more than he shall give him leave to do. It would be endless, my lords, to explain all the weaknesses we have been guilty of since the beginning of the war; our suffering the Spanish squadron to sail from Cadiz, after having blocked it up so long at that port: our suffering it afterwards to sail from Ferrol: our suffering that squadron, and both the French squadrons to sail so long before we sent any squadron to the relief of admiral Vernon, and our colonies in the West-Indies: our leaving a squadron quite inactive in the Mediterranean: our distressing our trade by pressing and embargoes, and, at the same time, neglecting to offer any reward for landmen to enter into his majesty's sea-service, or a sufficient reward even for seamen; and, above all, our neglecting to have in readiness, or to fit out, a sufficient number of small cruisers at the beginning of the war, for the protection of our trade, by intercepting the enemy's privateers.

My lords, the errors in our negociations before the war were so enormous, the faults in our conduct since the war began

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have been so many, and so glaring, that it is almost impossible for me to impute it to weakness alone. I must suspect, that our minister's making himself such an obedient slave to the views of France, when they were so contrary to the interest of his country; and his unwillingness to enter into a war with Spain, when he had so many provocations, and so fair an opportunity of prosecuting it with success: I say, I must suppose, that this unaccountable conduct proceeded from some private motives of his own. These motives I have not discovered: they cannot be discovered whilst he continues minister: if I had discovered them, and could prove them to your lordships, my motion this day should not be for an address to remove him: I should, according to my duty, stand up in my place, and impeach him of high-treason. In the same manner I must impute our method of beginning the war, our dilatory method of prosecuting it, and particularly the great neglect of our trade, to some private motives of our minister's own: I am afraid he is under the direction of France in the prosecution of the war, as much as he seems to have been in the treaties and negociations that preceded it. But, my lords, none of these things can be proved by a direct proof, especially as we have been denied all those lights that are necessary for coming at such a proof. The thing is impossible, and, in the present case, it is unnecessary: Upon a general view of our affairs, and the present circumstances we are in, the late conduct of our public affairs both at home and abroad, appears to have been most notoriously weak; and if there be any one in the administration who is known, or generally supposed to have been for several years the sole adviser and chief conductor of all our public affairs, this apparent weakness is a sufficient foundation for your lordships to address his majesty, that he would be pleased to remove that minister from his presence and councils.

That there is in our administration at present, a minister who is generally supposed to have a superiority in all our councils, and that he has enjoyed that superiority for these 15 or 16 years, I believe, your lordships will not desire me to prove. When I say that there is one man now in the administration, whose advice has prevailed in all our councils for these 15 or 16 years past; who has had the sole disposal of all the revenues of the crown, and of all the honours, posts, and employments the crown could bestow; who has in a most arbitrary manner directed, not only at the board to which he properly belongs, but, by some of his under agents, at every other board in the kingdom; who has had it in his power to dismiss, not only from every public employment, but even from the king's councils and presence, all those, let their rank be what it will, who have had the courage and honesty to oppose vigorously any of his measures: When I say this, my lords, I am convinced, none of your lordships, I am sure no one without doors, will doubt, that I mean sir Robert Walpole; and this common fame, this general opinion, is a sufficient foundation for your lordships to point your address particularly at him. The weakness he has shewed in the conduct of our public affairs, the general hatred he has incurred among the people of this kingdom, render it almost necessary for his majesty to remove him from his councils, lest the discontents of the people, which are as yet levelled against the minister only, should at last be converted into a general disaffection to his present majesty, and to his illustrious family.

This danger must, I think, my lords, prevail with every one that has a true regard for our present happy establishment, to concur with me in the motion I am to make; but there is another danger, which affects the honour, the character, and the dignity of this House. The same minister has had the misfortune, by his conduct, to propagate and establish a general opinion through the nation, that corruption is the only art of government he understands: that by corrupt means he gets his creatures and tools chosen at most of the elections in the kingdom: that both Houses of Parliament are induced by a corrupt influence to approve of his measures; and that the public money is squandered away for the sake of gaining him a legal support. This charge cannot be proved, as long as he has the disposal of all the money and all the favours of the crown; but it is so well established by common fame, and so generally believed, that if you refuse to put the question upon a fair and impartial issue, by first putting it out of the power of the person accused to screen himself by means of that very crime of which he is accused, the world will be confirmed in that opinion, which is already too general, and too stedfastly believed. As the weakness of our late measures is manifest to the whole world, as the unpopularity of this minister is known to every man that

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converses with any independent person in the nation, and as he is generally suspected of being a most notable corruptor, if you put a negative upon the motion I am to make, I am afraid, it may affect the honour, the character, and the dignity of this House, by making the world suppose that very negative to proceed from the influence of corruption. But as I am convinced, that no such influence can ever prevail in this House, and as, I think, I have given sufficient reasons for your concurring with me, therefore, I shall conclude with moving your lordships, "That an humble Address be presented to his majesty, most humbly to advise and beseech his majesty, that he will be most graciously pleased to remove the right honourable sir Robert Walpole, knight of the most noble order of the garter, first commissioner of his majesty's treasury, and chancellor of the exchequer, and one of his majesty's most honourable privy council, from his majesty's presence and counsels for ever:"

The Duke of *Newcastle:*

My lords; that this House, or that either House of Parliament may address the crown, for the removal of any minister, is a question I shall not contest with the noble lord, who has made you this motion; but I must observe, that such a motion was never, so far as I can recollect, agreed to, but in troublesome and factious times, and that general charges or general accusations against ministers, without fixing upon any particular crime, or offering any sort of legal proof, have sometimes proved fatal to the king himself. The famous case of the earl of Strafford * in king Charles the 1st's time, ought to be a warning to all future kings, not to allow their ministers to be attacked in parliament upon general rumours, disgusts, or accusations. The particular circumstances of that case are so well known, that I need not recapitulate them to your lordships: the accusation against him consisted only of some general charges, unsupported by proper proofs; and every one knows, that the violent proceedings against that earl were attended with such consequences as ended in a catastrophe, which all good men detest and abhor.

The noble lord was pleased to tell us, that an Address to remove a minister from the king's counsels and presence, can no way affect a man's person, freedom, or estate. My lords, I must beg leave to differ from the noble lord in this particular. Such an address would affect a minister's character, and whatever affects a man's character, must be allowed to affect his person. Do not men every day venture their lives for the sake of their character? Would not any man chuse to lose his life, rather than live the infamy and reproach of his country? And shall we in this House attempt to inflict a punishment worse than death itself, upon a man against whom there is no particular crime so much as alleged, nor any proof offered but popular resentments, which are very often unjust, and general arguments, which, in my opinion, are far from being conclusive. My lords, it is easy to raise objections against public measures that have been transacted many years ago: it is impossible for human wisdom always to take the best course, and to make the best use of the common incidents that occur, or for human foresight to provide against the extraordinary incidents that may happen. Time and experience discover to the wisest of men, many errors in their past conduct; and when cross accidents happen, every one is apt to imagine, they might have been foreseen and provided against. This is obvious to every man, even in the transactions of private life; and as public transactions are much more intricate, and depend upon causes which never were, nor could be under our power or direction, therefore the errors and mistakes of those concerned, must be more frequent, and those measures may afterwards appear weak, which, at the time they were transacted, appeared to be the wisest that could be pursued. For this reason, when we are to judge of the wisdom or weakness of a minister's past conduct, we ought to consider the circumstances of affairs, and the appearance of things, as they stood at the time his measures were concerted; and if at that time they appeared to be the best, we are not from future accidents, or from a future view of things, to condemn them, either as weak or wicked. We may, perhaps, find, that our minister was not inspired with divine wisdom, but this can never be thought a good reason for our addressing the king to remove him from his presence and counsels.

From these general observations, I hope your lordships will be convinced, that upon the present question you ought to view the public measures now objected to,

* See State Trials, edited by Howell, vol. 3, p. 1382.

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in the same light in which they appeared to you at the time they were severally transacted; and, I hope, it will be allowed to be at least an argument in their favour, that every one of them was, after a close examination, approved of by a majority of this House, at the times they respectively happened. But as I do not look upon this as a conclusive argument in the present debate, I shall beg leave to answer some of these objections that have been made against our past measures, which I shall endeavour to do from facts and circumstances that are publicly known, without discovering any of those secrets of state, which, by the nature of my office, may, perhaps, have been communicated to me. But I must observe, that, in all such cases, the servants of the crown labour under a very great disadvantage; for they are often, for the sake of the public, obliged to conceal those facts upon which their conduct was founded, and which, if they could be revealed, would remove every objection that could be made against it.

The treaty of Hanover, and supposed complaisance for France, seem, my lords, to be laid down as the foundation of all that weakness, which some people pretend to have since appeared in our conduct, which is an argument that has been often made use of both within doors and without, and, I think, as often answered as it has been started. As for the treaty of Hanover, it is now publicly known, that the hon. gentleman against whom this motion is levelled, whatever share he may have in our other counsels, had not the least share in the counsel which advised that treaty. The negociation was begun and ended whilst his late majesty was at Hanover, and was directed and advised by the English ministers, who had the honour to attend his majesty in that journey, of which, it is well known, the hon. gentleman was not one. Both the negociation and treaty were owing to the certain information his late majesty had of the private articles that had been agreed on at Vienna, between the emperor and Spain, and to the cruel massacre of the protestants at Thorn in Poland. The latter had been resented by this court before his majesty's departure for Hanover, and deserved to be resented by every protestant court in Europe. And as to the former, no discovery had been made of those private articles, till after the king's arrival in his German dominions; and when a discovery was made, it raised such a just indignation in his late majesty's breast, that he immediately and without consulting his ministers here, resolved to take proper measures, not only for his defence, but also for shewing his resentment; therefore, if there was any weakness, or any imprudence in concluding that treaty, it was not owing to the hon. gentleman whose conduct is now under our consideration.

But, supposing, my lords, the hon. gentleman to have been the chief or the sole adviser of that treaty, no man that admits the truth of the fact upon which the treaty was founded, could blame his conduct; and considering we have the truth of that fact attested by his late majesty himself in the most solemn manner, I think, no man that has a true regard for the memory of his late majesty, can doubt of it. I shall therefore, take it for granted, that there was a private treaty between the emperor and Spain, by which the former engaged to assist the latter, *totis viribus*, in endeavouring to strip us of our valuable possessions of Gibraltar and Port Mahon, and to place the Pretender upon the throne of these kingdoms; and the latter, in return, promised to support the former in the establishment of the Ostend company, and granted such privileges to his trading subjects in the Spanish dominions, as would have entirely ruined the trade of these kingdoms in that part of the world. Can any thing, my lords, be supposed more injurious to this nation? Would it not have been the height of imprudence to delay a moment resenting in the most proper manner, such a dangerous, such an insulting treaty? And I do not see how we could have resented it in a proper manner, or even guarded against some parts of it, without an alliance with France. Without such an alliance we could not certainly have resented it against the emperor, and if we had resented it against Spain, or endeavoured to vindicate our rights, with respect to trade, in the Spanish dominions, the emperor, if we had not kept him in awe by an alliance with France, would have immediately attacked Hanover. I shall grant, that this nation neither is obliged, nor ought to enter into a war on the sole account of the Hanoverian dominions; but when those dominions come to be attacked by a foreign power, solely on account of some quarrel or misunderstanding with this nation, surely we are obliged, both in honour and interest, to defend them.

I must therefore conclude, my lords,

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that an alliance with France was absolutely necessary for us at that conjuncture; and as that alliance brought France into the danger of being attacked by the emperor and Spain, which would probably have been the consequence, if Spain had got home her treasure then in the West Indies, we were, therefore, in common prudence obliged, in order to prevent a general war in Europe, as well as to prevent our ally being attacked, to put a stop to the coming home of that treasure. This, my lords, justifies the measures that were afterwards taken: the squadron that was sent to the West Indies, made it impossible for Spain to get her treasure from thence, which prevented her attacking France in conjunction with the emperor; and the squadron that was sent to the coasts of Spain, prevented her attacking us, by playing the Pretender upon us, as she had endeavoured to do, during the very last rupture we had with that nation. But as our business was to prevent a war, and not to begin one, therefore it would have been ridiculous in us to give orders to our squadrons to attack any part of the Spanish dominions, or to begin hostilities against them. Nay, even when they attacked us, by laying siege to Gibraltar, as we knew the vanity of their attempt, and that they could do us very little harm, any other way than by sending the Pretender with a few troops in upon us, it would have been imprudent in us to attack them in our turn; because it is the interest of this nation to avoid, as much as possible, having a war with the Spaniards, on account of its begetting a hatred and animosity between the two nations, which never ends with the war, and while it lasts, will always be of great prejudice to our trade. For the same reason, as well as a great many others, it was our business to restore a good harmony between this nation and Spain, and also between us and the emperor, as soon as possible, after we had once convinced both these powers of the vanity of those engagements they had entered into against us, by their treaty at Vienna in 1725.

This, my lords, was accordingly brought about, by what I must still call a sort of dexterous management, in a very short time. A good harmony between the emperor and the maritime powers, was restored by the preliminaries concluded at Paris, in May 1727, by which his imperial majesty put an end to the Ostend company's trade to the East Indies, to the great advantage of the East India trade of this nation. These preliminaries were agreed to by Spain, by the Convention signed at the Pardo, in March 1727-8, whereby his Catholic majesty promised the immediate restitution of the ship Prince Frederic, and submitted all the other disputes between the two crowns to be debated and decided at the Congress, which was to be afterwards held at Aix-la-Chapelle. This, I think, must be allowed to be pursuing the true interest of this nation, not only with the utmost prudence, but with the greatest dispatch; and the conclusion of the treaty of Seville was owing to the same scheme of politics; for the Congress at Aix-la-Chapelle, being likely to draw out to a great length, by reason of the many differences that were there to be settled between the several powers of Europe, it would have been very inconvenient for this nation to have its differences with Spain so long left in suspence, and therefore a separate negociation was set on foot for adjusting those differences by themselves, which, in my humble opinion, was the wisest thing we could do; and this negociation was, in a very short time, brought to a conclusion by the treaty of Seville, which was signed in November 1729, which would have put an end to all our disputes with Spain, and would have procured us reparation for all past damages, if the court of Spain had been as sincere in the execution, as they seemed fair and candid in the negociation. But if the court of Spain afterwards shuffled, and delayed to perform what they had so solemnly promised, surely the insincerity and breach of faith in that court cannot, with the least shew of justice, be imputed to any of the ministers of ours; and less to the hon. gentleman attacked by this motion, than to any other; because, in his proper department he has nothing to do with foreign affairs, and as a member of his majesty's privy council, he must give his advice according to the lights he receives from those who have.

If the Spaniards, my lords, had punctually performed and observed what they promised in that treaty, I believe, no man in the kingdom would have ever made an objection to it: on the contrary, I am convinced, it would have been looked on by the whole kingdom, as one of the wisest steps ever made by any British administration; but as the Spanish court neither performed, nor observed so much as one tittle of what they had promised, therefore, some

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people now find fault with every article of that treaty, and among the rest, with that which stipulates the introducing of Spanish, instead of neutral troops, into the strong places of Tuscany, Parma and Placentia. My lords, the difference between Spanish or neutral troops being in those places, is so very inconsiderable, that I am surprised to hear it made use of as an objection to the treaty of Seville. It was well known, that if the Spaniards should resolve to attack the emperor in Italy, it would be necessary for them to send a much larger body of men into Italy than the 6,000 stipulated by that article, and this the maritime powers could prevent whenever they pleased; therefore, if the court of Vienna had kept in good terms with the Dutch and us, so as to make it both our interests to protect his possessions in Italy, these 6,000 Spanish troops would rather have served as a pledge for the performance of treaties on the part of Spain, than as a means for attacking the emperor in that country: whereas, if the court of Vienna should forfeit the friendship of the Dutch and us, it signified nothing whether the Spaniards had 6,000 men in Italy or no, because they could send 20,000 of their troops thither whenever they had a mind, without its being in the power of the emperor to prevent it. For this reason, I must be of opinion, that the court of Vienna's obstinacy, in refusing to admit of the introduction of Spanish instead of neutral troops into the strong places of Tuscany, Parma and Placentia, was a mere punctilio of the court of Vienna; and were we to sacrifice the interest and trade of our country to a mere punctilio of that court? If any minister had prevailed with our court to do so, I am sure the noble lord would have had more reason to call our conduct wicked, than he has now to call it weak.

By that treaty, my lords, we did not engage to enter into a war, in conjunction with France and Spain, against the emperor, nor against any other power in Europe. Even with regard to the dukes of Tuscany and Parma, who were the only powers that had any real interest in opposing the entry of these troops, we engaged only to use such applications as should be consistent with their dignity and quiet. These two dukes, I say, my lords, were the only two powers that had any real interest to oppose the introduction of Spanish troops into their dominions: the emperor could have no real interest to do so, because by another article in the same treaty, those troops were to be withdrawn as soon as succession stipulated by the quadruple alliance should take place; and really, if the dukes of Tuscany and Parma had agreed to receive such troops into their strong places, I do not see what title the emperor had to oppose it; for the sovereign princes of the empire may bring what troops they please into their dominions, provided they do not thereby disturb the tranquillity of the empire. But suppose the emperor had opposed the introduction of those troops, and had by so doing come to a rupture with Spain, it is evident from the very words of the treaty, that we were not obliged to take any share in that war; and unless the balance of power in Europe had been brought into danger by the event of the war, I do not think our interest could have induced us to engage upon either side of the question.

But, my lords, whatever bad policy there might have been in this engagement for the introduction of the Spanish instead of neutral troops, which we entered into by the treaty of Seville, it cannot be justly said that it produced any bad consequence. By our treaty with the emperor in 1731, we got him to consent to the introduction of Spanish troops into the strong places of Tuscany, Parma and Placentia, without any opposition; and I am glad to hear the noble lord approve of that treaty: I am glad to hear, that any one good treaty has been made, or any one wise measure concerted, since he has had no share in the administration; though even that treaty was not, it seems, in his opinion, so good as it should have been. But if we did not by that treaty get all we wanted, if we did not get proper regulations settled for our trade in the Austrian dominions, it must be allowed, we got two very good things, which was, the absolute demolishing of the Ostend East India trade, and the establishing of the tranquillity of Europe, by the peaceable introduction of the Spanish troops into Tuscany, Parma and Placentia; both which we obtained, without entering into any engagement for doing any thing, but what our own interest would have led us to, if no such engagement had ever been made. This article therefore, with respect to us, produced no ill effect; and with respect to the emperor, can it be supposed, that if there had been no Spanish troops in Italy in the year 1733, the French would not have dared to attack

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or declare war against the emperor? Can it be supposed, that the Spaniards having such an inconsiderable body as 6,000 men in Italy, was of any weight in prevailing with them, or the king of Sardinia, to join the French in that war? Or can it be supposed, that the success of the French and their allies against the emperor, would not have been as great as it was, though the Spaniards had not had a man in Italy at the beginning of the war?

That war, my lords, did not proceed from the Spaniards having a few troops in Italy, nor from any error or misconduct in us. It proceeded entirely from the misconduct of the court of Vienna: that court had intermeddled in the election of a king of Poland, perhaps more than they had occasion to do; and they had for many years behaved in such a manner towards the Dutch, as made that republic very cool in every thing that related to the house of Austria. The French knew that the Dutch would no way intermeddle in the quarrel between them and the emperor: they had actually brought the Dutch into a treaty of neutrality before they attacked the emperor; and they supposed, as they very well might, that this nation would not, without the Dutch, take any share in the war, unless they and their allies should push their success against the emperor so far, as to endanger the balance of power in Europe. With respect to our trade, it would have been one of the most unwise things we could have done, to have engaged ourselves in a war against France, Spain and Sardinia, whilst the Dutch remained neutral; for it would of course have transferred, during the continuance of the war, a great part of our trade, and our whole navigation, to the Dutch; so that if the war had lasted long, as it probably might, this nation would have been undone, even though we had met with the greatest success in the prosecution of the war; for whatever the emperor might expect, this nation could expect no advantage from that success, and the chief burden of the war, with regard to the expence, must necessarily have fallen upon us.

This, my lords, the French were very sensible of: they had experienced the wisdom of some of those who had the direction of our affairs, from whence they foresaw, that we would not meddle in the war, when it was so contrary to our interest to do so; and therefore, after having prevailed with the Dutch to agree to a treaty of neutrality, they thought they had a fair opportunity for shewing their resentment against the court of Vienna, on account of the conduct of that court, with relation to the election of a king of Poland. These considerations, I say, encouraged the French to attack the emperor at that time, and these considerations, joined with the hopes of getting something by the event of the war, encouraged Spain and Sardinia to join with them. The imperial court therefore owed that misfortune to their own conduct towards the Dutch; for however much we stood engaged to guarantee the emperor's possessions in Italy, by virtue of the treaties subsisting between him and us, we were not obliged to expose our trade, and consequently ourselves, to certain ruin on that single account, especially as the imperial court had brought that war upon themselves, by endeavouring to prevent a free election in the kingdom of Poland.

If the French, my lords, had been actuated by such ambitious motives of conquest, as they were in Louis the 14th's time, I shall grant that we ought for our own safety, as well as for the safety of Europe, to have joined with the emperor in that war; but we very well knew, and the event shewed, they were not. They even bridled their ambition, and put a stop to their conquests in the midst of victory. They left the house of Austria very near as powerful as it was before, and they added but very little to their own power; for if the house of Austria lost Naples and Sicily by that war, it got Tuscany, Parma and Placentia; and considering that these duchies lie adjacent to the other Austrian dominions in Italy, it cannot be justly said, that the power of the house of Austria was much diminished by the event of that war; nor was the power of France, as I have said, much enlarged; for though by that event the French got the absolute property of the duchy of Lorain, their power was not thereby much enlarged; because they had before a sort of arbitrary power over that duchy, and did actually take possession of it, and put garrisons into all its fortified towns, whenever they had the least occasion for so doing.

I cannot therefore see, my lords, how the affairs of Europe were brought into any unhappy situation, or how the balance of power was endangered, by the event of that war. I shall grant, that both these misfortunes might have been the consequences of the prosecution of that war, if

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the French and their allies had pushed their conquests too far, or endeavoured to prosecute it in a different manner; and, in order to prevent this, his majesty took the best method that could be taken in that conjuncture: he encreased his forces both by sea and land, and thereby put himself in readiness to give a check to any views of ambition, upon whichever side they might appear. This, perhaps, was one of the reasons, why the French were so moderate in their demands, when they began to negociate a peace with the emperor; and that peace I think, notwithstanding all that has been said to the contrary, left the situation of affairs in Europe in as happy a situation for this kingdom, as could well be desired. The power of the house of Austria was much greater than it was in the beginning of the late queen Anne's reign: the power of France was not near so great, nor was the union between the crowns of France and Spain so firm, as at that time; and if France had since shewed any such ambitious views as she did at that time, it would have been easy for this nation to have formed a more powerful confederacy against her. I shall indeed, admit, my lords, that the present situation of the affairs of Europe is a little unfortunate for this nation; but it is entirely owing to the unlucky accident of the late emperor's happening to die, before a king of the Romans was chosen. This accident might, it is true, have been, and was, I believe, foreseen by our ministers; but it was impossible for them to provide against it, without the concurrence of the court of Vienna, and a majority of the electors of the empire; which was a concurrence they could not absolutely command, had every one of them had as great wisdom and capacity as ever any mortal man was indued with.

Having now, I hope, my lords, removed all the objections that have been made to our conduct, so far as it relates to the balance of power, and the present situation of affairs in Europe, I shall take up but very little of your lordships' time, in answering the objections that have been made to that part of our conduct, which relates to our affairs with Spain, or to our own domestic affairs. Our negociations with Spain, my lords, were all along founded upon this principle, that as long as there was any hopes of obtaining redress by peaceable means, we ought not to have recourse to arms. This principle will, I hope, be allowed to be right itself, and it has been all along approved of by parliament. Therefore, in those negociations his majesty has acted rather by the advice of his parliament, than by the advice of his ministers; at least, if it was the advice of his ministers, it was such as has been approved of and recommended by his parliament, which I must look on as a very strong argument in its favour; for I shall always have a much greater regard for the voice of parliament within doors, than for the clamours of the people without; and, for this reason, I must be of opinion, that a minister's wisdom and steadiness may sometimes be the cause of his becoming unpopular. In all countries, false notions, notions inconsistent with the public good sometimes prevail among the generality of the people, especially when those notions are inculcated and propagated by a party who oppose the public measures, not because they are wrong, but because they do not like the men, or perhaps, because they are not the men that advise and carry them on. This, I say, often happens in every country, and in no case so commonly as in that which relates to peace or war. In such a case, a minister who looks into futurity, and steadily pursues the good of his country, in opposition to a prevailing clamour, may become very unpopular, and may continue so for some time; but when the people become cool and have leisure to consider things seriously and maturely, that unpopularity will be converted into a general esteem, and he will be admired for his steadiness as well as for his wisdom; therefore it will be a very imprudent maxim for the sovereign, even of this free country, to dismiss a minister on account of any popular clamour that may arise, or be spirited up against him.

We are not therefore, my lords, to imagine, that our ministers are guilty, either of weakness or wickedness, because they did not declare war against Spain, as soon as it was thought necessary by the mob without doors, spirited up by those who had suffered by the Spanish depredations, and who of course were more swayed by motives of revenge, than by any motives founded on the public good of the nation in general, which did not permit that we should enter into a war whilst there were any hopes of obtaining redress by negociation. This was our case in the year 1733, when the war happened between France and the emperor. We had then very good reason to hope, that Spain might be brought to reasonable terms by

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fair means; therefore we had no occasion on our own account, to attack Spain at that time; and I have shewn, that we had no other call to take any share in that war. From that time, the court of Spain still gave us hopes of obtaining redress by negociation, and, at last, went so far as to promise it by a solemn treaty. I mean, my lords, the Convention. I shall not trouble your lordships with answering the objections that have now been made to it, because they were all fully answered when it was under our consideration: I shall only say, that if the court of Spain had performed what they promised by that treaty, and had afterwards acted as candidly as they treated, we should have had no occasion to declare war against them. But they did neither; and then, and not till then, a rupture became necessary.

As for our conduct since that time, my lords, I did not expect, that, upon a motion of this kind, it should escape censure; because, in time of war, it is so easy to find fault, let the war be never so well conducted. As our complaints against Spain were founded upon their having seized some of our merchant ships upon unjust pretences, the most proper method of seeking redress, after the court of Spain has denied it by fair means, was by reprisals. We had no pretence for declaring war till the Spaniards seized our ships in their ports, and, without the least pretence published reprisals against us. Upon this we declared war, and as soon as we had declared war, we began to prepare for attacking them in the proper place; but we were first, in common prudence, obliged to prepare for our own defence, not so much on account of any attack we had to fear from the Spaniards, as on account of a neighbouring power that might, perhaps, resolve to join with Spain against us. That power has not, it is true, yet done so; but this may be owing to the preparations we have made for our defence at home; for nothing can be more effectual for preventing any other nation's joining with Spain against us, than their seeing, that it is out of their power to hurt us. At the same time that we provided for our defence, we were likewise providing a fleet, and a proper number of land-forces, for attacking the enemy; and if that fleet did not sail so soon as it ought to have done, and was expected, it was owing entirely to contrary winds, which, I hope, will not be looked on, as proceeding from the weakness or misconduct of our ministers.

Now, my lords, with respect to our domestic affairs, as I have shewn, that no objection can be justly made to any part of our conduct relating to foreign affairs, and as a great part of the expence we have been at, has been owing to the several broils we have been involved in with the other powers of Europe, if our debts are not greatly diminished, nor our taxes abolished, it is not owing to the weakness of our ministers, but to the extraordinary expence we have been from time to time put to; and to a restless, disaffected party at home, which has all along obliged us to keep in pay a more numerous standing army than we should otherwise have had occasion for. And as to the severe penal laws that have been enacted, and the dangerous schemes that have been attempted, they relate only to the collection of the public revenue; therefore, if there be any severity in the laws, or if there was any danger in the schemes, both ought to be imputed to the wickedness of our smugglers and clandestine traders, and not to the weakness or wickedness of our ministers. This was the case of the late excise scheme, which, I still think, could not in the least have affected our liberties, had it passed into a law; and am of opinion, that the clamours raised against it were chiefly owing to our smugglers being conscious, that it would have been effectual for the end intended. It was this that made them so active in raising a popular clamour against that scheme, and considering their numbers, and the interest the people have in being able to purchase at a cheap rate, I do not at all wonder at their success.

I hope, my lords, I have now shewn, that we have not the least occasion to address his majesty to remove any one of his ministers from his counsels; and therefore I hope the motion will meet with the fate it deserves: I am sure, I shall most heartily give it my negative.

The Duke of *Argyle*:

My lords; I shall join in this observation made by the noble duke, that such an address as is now proposed to your lordships, was never agreed to but in troublesome and factious times; but he and I may, perhaps, differ in the application of these terms. The nation must always be in trouble, when it has the misfortune to be under the government of a weak or wicked minister; and when such a one engrosses the ear of his sovereign, and thereby prevents all good advice from approaching the

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throne, there is certainly a most wicked and dangerous faction in the kingdom. But who, my lords, are the authors of that trouble? who are they that are the fomenters and supporters of that faction? not those that are endeavouring, by the legal methods prescribed by our constitution, to remove that minister, but they that are for obstructing all such methods, and for supporting him in that power, which he has by his cunning and sycophancy usurped. The minister, and his creatures and tools, are the faction, and the sole cause of the nation's trouble; and when they, by obstructing all legal methods of redress, drive the people to the extremity of being obliged to make use of violent means, it is they, and they only, that are to be deemed the authors of all the misfortunes that ensue.

In this light, my lords, we ought to view all the contests between parliaments and ministers, that are mentioned in our history; for I defy the world to shew, that ever a favourite of the crown was attacked by parliament, either by address, impeachment, or otherwise, but such as highly deserved it. Will any one say, that the earl of Strafford, in king Charles the first's reign, did not deserve to be attacked by parliament? I am convinced the noble duke will be as far from justifying all the preceding measures of that reign, as I shall be from justifying all the future measures that were taken against that unfortunate and deluded prince. But it was the violent methods first made use of by the court, that gave rise to the violent methods afterwards taken by the parliament; and therefore, it was not the prosecutors of that king's ministers and favourites, but the ministers and favourites themselves, that were the original authors of all the misfortunes, and of the fatal catastrophe, that happened to him. In order to screen his ministers from a parliamentary prosecution, he had abruptly dissolved several parliaments, and had suspended the holding of any for a great number of years; during which time a multitude of illegal and violent means were practised by the court, for raising much less money than the parliament would have willingly granted him, if he had given up some of his guilty favourites to justice. This inflamed the spirits of the people to such a degree, that it afterwards became easy for wicked and deceitful men to direct that national resentment against the crown, which ought to have been directed only against the ministers of the crown; and therefore, the case of my lord Strafford, instead of being a warning to future kings, not to allow their ministers to be attacked by parliament upon general rumours, ought to be a warning to all future kings, not to set themselves up as a screen for their ministers; and, I hope, it will be a warning to all future parliaments, not to allow their resentment to carry them beyond the bounds prescribed by our constitution.

The error committed by the parliament in the case of the earl of Strafford, was not in their having attacked him as a weak or wicked minister, but in the method by which they carried on that attack. Upon general rumours and accusations they found him guilty of high-treason, and condemned him to die, by act of parliament, which was a method of proceeding that could not be warranted by our constitution; but will any one say, that it would have been wrong in the parliament to have addressed the king to remove him from his counsels and presence? will any one say, that the accusations brought against him, or the general hatred he had drawn upon himself, were not sufficient for this purpose? My lords, the very nature of our constitution must convince us, that the public odium alone is sufficient cause for the king to dismiss any minister that has drawn it upon himself, because in a free country, the king is to govern by the affections of the people, and not, like arbitrary princes, by the terrors of his reign. But as the king has no way so proper for knowing the sentiments of his people, either about the measures he is advised to pursue, or the ministers he is pleased to employ, as by the addresses or remonstrances of his parliament; as the sentiments of the people may be, and generally are, very much mis-represented to him by his ministers and favourites, therefore it is our duty to give him a true information; and when we perceive that any one of the king's ministers has incurred the general hatred of the people, we betray our sovereign, at least, we are guilty of a failure in our duty towards him, if we do not address him to remove such a minister; for no king can expect to preserve the affections and esteem of the people, if he employs such as are hated and despised by them.

An Address therefore, my lords, to remove a minister from the king's counsels and presence, may be sufficiently founded upon general rumours, or general disgusts, and may be agreed to, nay, in many cases,

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ought to be agreed to, without any particular accusation, and, consequently, without any proof. A minister's character neither is, nor can be affected by such an address; for a man's character depends entirely upon his own conduct, and can never be lost by any sort of judicial proceeding. On the contrary, if a man be really innocent, and by some error in his conduct, or some extraordinary misfortune, has had his character exposed, or brought under suspicion, by a full and fair trial the suspicion will be removed, and his character restored; so that if a minister has lost his character, and has fallen into a general hatred among the people, an address for removing him may be a means for restoring his character; because, after he is in pursuance of that address removed, he may then be brought to full and open parliamentary trial, and fairly acquitted of all those crimes, or failings, he was before supposed to be guilty of; which never can be the case, as long as he continues in power; for during the continuance of his power, every enquiry into his conduct will be some way influenced by the favours he has to bestow; and even, suppose he should be fairly acquitted, it will not restore his character, because the world will believe his acquittal was not owing to his innocence, but to his influence.

For this reason, my lords, I hope we shall have, in this motion, the concurrence of all those who have a true regard for the character of the minister, and, at the same time, a thorough conviction of his innocence. I believe every lord in this House is sensible, that he has already lost his character with a great majority of the people of this nation; and that he is generally and violently suspected, not only of great failings, but of heinous crimes. Is not he suspected of having solely engrossed the ear of his sovereign, and excluded from his master's presence, as well as confidence, every man that disdains being a slave to him? Is he not suspected of having engrossed the sole disposal of all the favours of the crown, and the sole direction of all the officers of the kingdom? Is he not suspected of having endeavoured to destroy the independency of parliament, and the freedom of elections, by making an abject submission to his will and direction the sole title to the obtaining of any favour from the crown, or the holding of any post which the crown can take away? Is he not suspected of having applied the public money towards gaining an undue and corrupt influence, both in parliament and at elections? Is he not, in general, suspected of having a design, by the continuance and increase of useless offices, and the multiplicity of penal laws, to establish in the crown an absolute and uncontrolable power? And, with regard to foreign affairs, is he not suspected of having, by his weakness or wickedness, sacrificed the interests of his country, and the interests of Europe, to the cultivating of a dangerous friendship and correspondence with France? Is he not suspected of having exposed both the honour and the trade of his country to the insults of Spain, for no other reason, but for the sake of preserving that friendship and correspondence?

These, my lords, and a great many more I could mention, are suspicions his character now lies exposed to. That these suspicions are generally entertained, no man can be ignorant, that ever makes an excursion beyond the purlieus of the court, or converses with any independent man in the kingdom. That the people are generally dissatisfied with our public measures, and, consequently, with those that advise them, is evident from the great sale of all pamphlets and papers on one side, and the bad reception given to the gratuitous pamphlets and papers on the other; for this cannot be owing to any superiority of genius in the authors, because, when the measures of a government are right, those of the brightest parts will certainly engage in their defence; and yet we have seen in our days, what posterity will scarce believe: we have seen parliaments approving what no man of genius would deign to defend. Thus, my lords, I have laid before you a true state of the case, with regard to the character of the honourable gentleman whose conduct is now under our consideration; and as this is really the case, if I were convinced of his innocence, as a friend to him, I should advise him to resign, in order that he might have his character vindicated by an impartial, a strict, and a fair enquiry; and, if he refused my advice, I should, from that very refusal, begin to suspect his innocence, and, consequently, should agree to the address now proposed.

This, I say, my lords, should be my behaviour as a friend to him, if I were convinced of his innocence; but as I have my own suspicions, as well as other people, and have, perhaps, more reason than most other people, therefore, as a faithful coun-

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sellor to my sovereign, which I have the honour to be, by my having a seat in this House, and as a sincere friend to my country, I must be for agreeing to the address proposed; and that my suspicions may appear not to be groundless, I shall take the liberty to examine some of our late public measures, and endeavour to shew the weakness of those arguments that have been made use of for their justification. In the doing of which, I shall take the noble duke's advice, and consider the circumstances of affairs, and the appearance of things, as they stood at the time those measures were concerted; which I may with the greater freedom do, because I had no share in advising them; for though I was one of his majesty's most honourable privy council, it is well known, I seldom attended, thinking my attendance both unnecessary and improper, when I found my advice was of no weight, nor the least regard had to what I said in support of it; from whence I had great reason to suspect, that the resolutions of that board were forestalled, and that we came there only to give an authority to, and, perhaps, an excuse for what had somewhere else been resolved on.

This, my lords, has been long one of my suspicions, and from hence I cannot but with the rest of the nation suspect, that the minister, whose conduct is the subject of the present debate, has solely engrossed the ear of his sovereign; and that a cold reception at court is generally the consequence of differing in any material point from this minister, I believe, several of your lordships as well as myself are examples. These examples, my lords, if they are not proofs, they afford at least strong presumptions, and are one of the causes of the nation's believing, that this minister has solely engrossed the ear of his sovereign, and thereby usurped the sole disposal of all the favours of the crown, and the sole direction of all the royal offices in the kingdom; and this suspicion is confirmed by what every man must observe, that ever heard of the crowds at his levee. By that department which properly belongs to him, he has to do with nothing but what belongs to the management of the public revenue; and therefore, if he confined himself to his own department, he could have his levee frequented by none but such as are soliciting warrants from the treasury, or posts in the collection and management of the public revenue; and considering the amount of the present revenue, and the number of officers employed, I should think that this alone would afford a crowd sufficient for satisfying the vanity of any minister in the kingdom.

But instead of this, my lords, does not every one know, that the levee of this minister is haunted by lords who, I hope, neither have nor expect any pensions? By land and sea officers, who ought not to be allowed to expect any preferment by his favour or recommendation? By lawyers, who ought not to be allowed to expect being appointed judges by his means; and by many of the reverend bench, and multitudes of other clergymen who, I hope, expect translations or preferments from their piety and learning, and not by neglecting their devotion, and trifling away their precious time in attending his levees? My lords, it is needless to deny or disguise this charge: The candidates for preferment have in all countries most excellent noses: they will smell out the proper road to preferment; and when the world sees candidates of all sorts in one road, the world will judge, and most reasonably judge, that to be the sole road to preferment. From hence the general suspicion against this minister has arisen. If the suspicion be well grounded, he is in some degree guilty of high treason, by the known laws and constitution of this kingdom, and ought to be impeached as well as removed; but the very suspicion is a sufficient cause for addressing the king to remove him, because the people can never be easy whilst a man is in power who, in their opinion, is a traitor against the laws and constitution of his country; for a man who is in danger of suffering by the law, will certainly endeavour to overturn the law. Therefore, to dissipate the fears and jealousies of the people, and to make them easy under the government of their sovereign, such a minister ought to be removed; and after he is removed, the parliament may, without running the risk of being thought corrupted, acquit him, if upon a fair trial he appear to be innocent; and every member may then, without fear, give his vote against him, if he should appear to be guilty.

The next general suspicion I took notice of is, his having endeavoured to destroy the independency of parliament and freedom of elections, by disposing of the favours of the crown to such only as vote in parliament, or at elections, according to his direction, and turning every man out of the employment he holds at the plea-

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sure of the crown, if in either case he disobeys his orders. My lords, the maxim which is the chief corner stone of our happy constitution is, that the king has nothing to do with a man's behaviour in parliament or at elections. King William was so sensible of this, that when his ministers advised him to dismiss an officer of the army, for having voted upon some occasion against them in parliament, he answered as every just king ought, and as every wise one will, the gentleman has always behaved well as an officer of the army, and I have nothing to do with his behaviour as a member of parliament. This, my lords, ought to be the maxim of every king of this country; for if the contrary maxim should ever prevail, if the king should lay it down as a maxim, not to bestow a favour upon any one, or continue in commission any officer, but such as vote according to the directions of his ministers, the disposal of the posts and offices necessary for the support of our government, must either be taken from the crown, or the crown will take from the parliament its independency, and consequently from our constitution its happiness and freedom; therefore I must be of opinion, that it is a high degree of treason in any minister to advise the king to lay down such a maxim, or to have any regard to a man's voting in parliament, or at elections, in the distribution of those favours which the crown has to bestow.

That the minister now proposed to be removed is guilty of this crime, is not only generally suspected, but must, I think, evidently appear to every one who considers either his practice, or his declarations. His practice is well known to every man in the nation, and has been confirmed by many flagrant instances in both Houses of Parliament; and his declarations have been so extravagantly open, that he seemed to brave the constitution, and defy the laws of his country. No longer ago than last session but one, he declared openly, in the very face of a House of Parliament, 'That he should think him a very pitiful fellow of a minister, who did not turn any officer out of the army, that endeavoured to make him less a minister, by opposing his measures in parliament.' This, my lords, was so open a declaration of his criminal intentions, such an avowed attack upon the very essence of our constitution, and delivered in such a place, that I am surprized it did not occasion an immediate impeachment. From a man who was no minister, such a declaration might be considered only as a bare opinion; but from a man who was well known to be a minister, and generally believed to be the sole minister, it was a great deal more than an opinion. My lords, it was an overt act, a direct attack upon our constitution, because it was openly directing the officers of the army how to behave at elections, and in parliament: It was threatening them, that if they did not sacrifice their honour in parliament to his favour, they should their commissions in the army to his resentment.

Thank God! I was not a member of the assembly where these words were spoken: I could not have heard them with patience: I can scarcely repeat them with patience; but I have, my lords, I believe every one of your lordships has as good proof of such words being uttered, and of their being uttered by this minister too, as can be had of any such fact whatsoever; and if your lordships believe this fact, can you hesitate a moment about addressing his majesty to remove him from his counsels and presence for ever? My lords, this very declaration, if there were nothing else, has made it absolutely inconsistent with our constitution for his majesty to keep him any longer in his service; for while he continues to be a minister, no man that has, or expects any post or office under the crown, can vote with freedom either at elections or in parliament. A man may vote according to his conscience, let the consequence be what it will; but no man can be said to vote freely, when he knows that his subsistence, or a principal part of his subsistence, depends upon his voting against his conscience; therefore it is evident, that the existence of our constitution is by this declaration rendered incompatible with the existence of this man's ministerial power, and, I hope, no lord of this House will make the least doubt, which of these two existences ought to be put an end to.

Before this declaration was made, my lords, I suspected that large sums of the public money had been applied, by this minister, towards gaining an undue and corrupt influence both in parliament and at elections; and, indeed, every man must have the same suspicion, who considers what large sums have been granted by parliament for secret-service-money, and yet what astonishing ignorance our ministers have upon several occasions appeared to be in, with regard to the designs

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of foreign states. The same suspicion must likewise be entertained by every man who considers what a vast civil list revenue his present majesty enjoys, and yet with what parsimony it is applied to every known and every laudable purpose. But the minister's making this declaration so openly, and in such an assembly, has brought my suspicion in this respect almost to a certainty. I can make no doubt, that a minister capable of making such a declaration, is capable of applying the public money to such secret and unlawful purposes; and I am convinced, he would not have ventured to have made such a declaration, if he had not been well acquainted with the powerful effects of corruption.

Now, my lords, with regard to the suspicion of his having a design, by the continuance and increase of useless offices, and the multiplicity of penal laws, to establish in the crown, or rather the ministers of the crown, an absolute and uncontrolable power, I think his design appears pretty plain from his own declaration; for a minister that declares, he will turn any officer out of the army that shall dare to vote against his measures in parliament, will not scruple to turn any civil officer out of his employment, or to execute rigorously a penal law against any man that shall vote either in parliament or at the elections, contrary to his orders: and when such a minister loads the nation with useless offices, or unnecessary penal laws, we may easily see, that his design is to render his power uncontrolable, by rendering himself master of a majority of our elections; for though no minister can, by any corrupt means, secure a majority in this House, while it consists of such honourable members as it does at present, yet if a minister should once be secure of having always a majority in the other House, your lordships know, that by an encroachment, which is now become a part of our constitution, a minister that has got the sole guidance of his sovereign, may secure to himself a majority in this House; and therefore, for the sake of preserving the dignity and the independency of this House, we must take care to preserve the dignity and independency of the other.

As for the posts and offices in the absolute disposal of the crown, our present minister, my lords, had no great occasion to increase the number of them; for the debts contracted in the two late heavy wars, and the taxes imposed for the payment of those debts, with a little ministerial art, had created such a multitude of new commissioners, collectors, supervisors, accountants, comptrollers, excisemen, custom-house officers, and the like, that our present minister had no occasion to increase their number. He had nothing to do but to turn them to that use which no former minister durst venture to attempt, I mean that of influencing elections; and yet a greater number of clerks, and other inferior officers, have been added, during his administration, to almost every board in the kingdom; and during a long, peaceable administration, he has taken care not to reduce or pay off any considerable part of our debts; because if that had been done, some of our heavy taxes must have been abolished, and this, of course, must have been attended with the disbanding those officers that were employed in the collection and management of them. This, I am now convinced, has been one of his chief views through the whole course of his administration; and this must now afford many of your lordships good reason to condemn some of those measures you were formerly induced to approve; for no man ought to think it beneath his dignity to change his opinion, either about men or measures, when the consequences of the latter, or the future behaviour of the former, furnish him with substantial reasons for such a change.

Then, my Lords, as to the penal laws that have been enacted, besides those that have been unsuccessfully attempted, I believe no minister, ancient or modern, can rival our present minister in this particular. The excise laws, which are the most proper for enlarging the power of a minister, because the penalties may be exacted, modified, or forgiven, according to his pleasure, have been multiplied and enlarged to a great degree; and if the Excise Scheme* had met with success, I will venture to say, that no man that dealt in tobacco, and consequently no shop-keeper in any country town or village in the kingdom, would have dared to give his vote at any election contrary to the orders of the minister, signified to the poor shop-keeper by his exciseman. To pretend that the clamours against this scheme were raised by smugglers and clandestine dealers, is something very extraordinary. Does not the noble duke remember, that petitions came up against it from all the great trading towns in the kingdom; and that those

* See Vol. 9, p. 1.

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petitions were signed by the most eminent merchants in all sorts of business? Does his grace think, that there is not a fair trader in the kingdom, or that it is not the interest of the fair trader to prevent smuggling? My lords, if that scheme had been contrived for nothing but to prevent smuggling, and had been thought effectual for that end, the very persons who petitioned against it, would have petitioned in its favour: instead of lighting up bonfires at its being rejected, they would have been lighted up upon its being passed into a law; and instead of ministers and members of parliament, we should have had thieves and smugglers burnt in effigy in all parts of the kingdom.

But, my lords, the trading part of the nation were not so blind, as to allow themselves to be imposed on by such a thin cobweb. They perceived the real design of that scheme, which was not to prevent smuggling, but to put it in the power of the minister to make a smuggler of the most innocent man in the kingdom, if he dared to disobey his orders in parliament or at elections; and whether this would not have affected our liberties, I shall leave to your lordships to judge. But I must observe, that one of the consequences of that scheme afforded us a most convincing proof, how ridiculous it is to attack the conduct of a minister, or even the conduct of his tools, whilst he himself remains in the full possession of his power. The frequency of smuggling, the fraudulent practices of smugglers, and the defects in the laws against smuggling, was the chief argument made use of by the patron of that scheme and his friends, for inducing gentlemen to agree to it. On the other hand, the merchants and their friends alleged, that the frequency of smuggling was not owing to any defect in the laws, or in the present methods of collecting the public revenues, but to the frauds and neglects of the custom-house officers, and the little care taken by those that had the appointment and superintendency of them. This the merchants insisted on, and said they could prove before a fair and impartial tribunal. This brought on a motion in the other House, for appointing a secret and select committee, to be chosen by ballot, for enquiring into the abuses and frauds of the customs. As our minister, in his proper department, has the chief superintendency of the treasury, and consequently of the customs, he could not well oppose this motion; but he had such an amazing influence over that House of Commons, that, notwithstanding the ballot, he got them to chuse a committee consisting, I shall not say of the minister's most obsequious slaves, but I may say of his surest friends: nay, the very commissioners of the treasury themselves, all, I believe, but the minister, were chosen of that committee. That is to say, the commissioners of the treasury, and a few of their most intimate friends, were chosen by a House of Commons, to enquire into the conduct of the commissioners of the treasury, with regard to the abuses and frauds of the customs. Was not this, my lords, a most glaring instance of the dependency of a House of Commons upon a minister? Could the merchants expect an impartial hearing from such a committee? They never gave themselves once the trouble of attending; and according to expectation, the enquiry ended in a justification of the commissioners of the treasury, and of their deputies the commissioners of the customs; but to the world could this be a justification or a vindication of the characters either of the principals or deputies? On the contrary, it confirmed the suspicion of the minister's having an undue influence over that House of Commons, and with me is a most unanswerable argument for agreeing to this Address.

My lords, if upon such a well founded suspicion of a minister's having acquired to himself an undue influence in parliament, and his declaring openly and expressly that he would make use of such an influence, a parliament should refuse addressing the king to remove him, what would the people say of such a refusal? What could they expect from such a parliament? Would any man be so mad as to bring a direct accusation against such a minister before such a parliament? Could any man there expect to convict such a minister upon the most particular and the clearest proofs that were ever laid before any tribunal? The certain consequence would be, a judicial and formal acquittal of the minister, let his crimes be never so heinous and manifest; and a severe parliamentary sentence against the accuser, let his proofs be never so clear and connected. This will of course embolden not only our present minister but all future ministers: the suspicions of the people will daily increase: their discontents may turn to disaffection: their despair of obtaining redress may drive them to seek for it by violent means; and the consequence of

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this God alone can tell. Whereas your agreeing to this address can be attended with no bad consequence, either to the kingdom, or to the minister if he be innocent; and if he be guilty, surely no one of your lordships would desire to have him continued in power.

The arguments I have hitherto made use of, are all drawn from the suspicions that lie against our present minister, with regard to domestic affairs; but, my lords, with regard to foreign affairs, the suspicions against him are of a more heinous nature, and, if possible, they now seem to be better founded than the other. Our minister by his conduct in domestic affairs, has rendered himself suspected, and I think I have shewn justly suspected, of sacrificing the liberties and constitution of his country to his own power and grandeur, perhaps to his own safety; but by his conduct in foreign affairs, he has rendered himself suspected of sacrificing the honour, the trade, the navigation, nay, the very being of his native country, to the interests and views of its most ancient, its most constant, its most dangerous enemy. This, my lords, was so fully explained by the noble lord who introduced this debate, that I shall only touch upon some particular circumstances by way of answer to what has been said by the noble duke. It is long, it is many years since some amongst us suspected, that our counsels were too much under the influence of France. These suspicions have every day gathered strength and grown more and more general, until now at last they are, by the consequences of our conduct, I think, absolutely confirmed. Will any one say, that the affairs of Europe are now in a happy situation? Will any one say, that the balance of power in Europe is at present in no danger; or that the danger it is in can be easily removed? Will any one say, that this nation is in a happy state, when we are in imminent danger of being obliged to sacrifice our American trade to the wild pretensions of Spain, or without one ally, to support a war against the united power of France and Spain? This is the present situation of Europe: This is the present situation of this nation; and the noble lord has shewn, that both are chiefly owing to our having kept up a friendship and correspondence with France, at the expence of our honour, at the expence of our trade, and at the expence of our most natural ally.

The noble duke was pleased to tell us, the minister had no share in the council that advised the treaty of Hanover. If this be true, and I am convinced the noble duke thinks so, it is one of the strongest arguments for agreeing to this motion. That minister is now loaded with the whole blame of that treaty, and of all the fatal consequences that ensued: he can no way remove this load, but by laying himself open to a fair and impartial inquiry into his conduct, which never can be carried on, at least the nation will not believe it can be carried on, as long as he has the distribution of all the favours and rewards the crown can bestow, and of all the penalties and punishments the crown can inflict; therefore, if he had any true regard for his character, he would voluntarily lay himself open to such an enquiry; if his friends have a sincere regard for him, they will take the most gentle method for compelling him to do so, which is by agreeing to the address proposed. If they refuse to do so, their affirming, that their friend had no share in advising that treaty, or any other fatal measure, will signify nothing; for whatever your lordships may do, I am sure the nation will not believe them.

But, my lords, with regard to this treaty of Hanover, the minister and his friends have, it seems, two strings to their bow: they first deny he had any hand in it; and next, they endeavour to justify that treaty, and all the measures that were taken in pursuance of it. The account we had of a private treaty between the emperor and Spain was certainly true: by that treaty the emperor put a high affront upon this nation, and Spain was to bring the Pretender upon us, to destroy our trade, and to take Gibraltar and Port-Mahon from us: if we offered to resent this affront against the emperor, or to protect our trade and dominions against Spain, the emperor was to attack Hanover: in this situation we could have no recourse, no refuge, but in an alliance with France. These my lords, are the arguments made use of for justifying the treaty of Hanover: but can any man be serious that now makes use of such arguments? Without derogating in the least from the respect due to his late majesty, for whose memory I have the greatest regard, I will venture to affirm, there was no such private treaty between the emperor and Spain. His late majesty was imposed on by his ministers, and they were imposed on, to say no worse, by the ministers of France. This might be the case, and by this his late majesty was induced to mention this treaty in his

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speech to his parliament: but the emperor could not be imposed on: if he had signed such a treaty, he must have known it; and neither could nor would have denied it so expressly and solemnly as he did. This fact therefore being false, all the reasoning founded upon it must fall to the ground. But, my lords, suppose it were true: the affront was atoned for, by the emperor's denying that treaty in the solemn manner he did; and we might have guarded against the danger without any alliance with France. Neither the trade nor the dominions of Great Britain could be in the least danger from any attack Spain and the emperor could make upon them; and the emperor could not attack Hanover without breaking through the fundamental constitutions of the empire, which would have brought all the princes of the Germanic body to our assistance; and such a confederacy would have been sufficient for protecting Hanover without the help of France; which, instead of courting, we ought to have refused, because their intermeddling in the affairs of Germany will always be of dangerous consequence to the balance of power in Europe.

I am surprised, my lords, to hear it now pretended, that the affair of Thorn had the least share in drawing us into the treaty of Hanover. That cruel affair was indeed made use of both by France and us, for drawing the king of Prussia into the alliance; and accordingly there was a separate article for obtaining reparation for what had been done at Thorn, contrary to the treaty of Oliva; but the king of Prussia soon perceived, or imagined he perceived, that neither France nor we were sincere in that article, therefore he deserted the alliance, and it is certain, that nothing was ever done in pursuance of that article, because the interest of France was no way concerned in performing it. But where the interest of France was concerned, we did a great deal more than we were obliged to do by that treaty; and when Spain declared war against us on that account, we did not do so much as we ought to have done, because it was not the interest of France we should.

My lords, it is so evident, that our minister has sacrificed the safety of Europe, and the credit of his native country with every one of its ancient allies, to the friendship of France, that I should be ashamed to take up your time with answering or exposing the poor excuses that are made for his conduct. If by that means he had preserved the tranquillity of his country uninterrupted, and made the proper use of that uninterrupted tranquillity; or if he had obtained from France a settlement of the disputes still subsisting between the two nations, or any advantages for our trade in that kingdom, it would have been some sort of real excuse for his conduct. But he has, at the desire of France, involved his country in continual broils either with Spain or the emperor, and from thence has taken occasion to load it with such an extraordinary expence, either for giving weight to his fruitless negociations, or enforcing the observance of his useless treaties, that we are now as much, if not more, involved than we were at the end of the last heavy war; and during this whole time what has been the behaviour of France towards us? They have been not only cramping our trade in their own dominions, but encroaching upon it in every other part of the world. This is not all, my lords: it is highly probable, that they have been underhand encouraging Spain to interrupt our trade and navigation in the American seas, and at the same time threatening us, that if we attempted to do ourselves justice, they would join with Spain against us. When we reflect upon this, my lords, it is not possible to account for the conduct of our minister, from any motives founded upon the interest or prosperity of this kingdom. From hence has arisen a general suspicion, that from some private motives of his own he has sacrificed the interests of his country, and the interests of Europe, to the cultivating of a dangerous friendship and correspondence with France; and this suspicion has greatly increased since the commencement of the war with Spain.

If we consider the interest of France, and the interest of Britain, with regard to the disputes between Spain and us, we shall find them directly opposite to each other; and if we examine the conduct of our minister, either in his negociations for peace, or his prosecution of the war, we shall find that he has, without variation, pursued the interest of France, in opposition to that of Great Britain. When Spain first set up the pretence of searching our ships in the seas of America, and confiscating them, if they found any of those goods on board, which they were pleased to call contraband, it was easy to see, that till this pretence was expressly given up, we could enjoy no free trade or naviga-

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tion in that part of the world, nor could there be any cordial friendship between Spain and us, which of course would be a great detriment to our trade, and consequently a great advantage to the trade of France. It was, therefore, the interest of France to have this dispute remain unadjusted as long as possible, it was the interest of Britain to have it adjusted, either by fair or foul means, with the utmost dispatch: consequently it was the interest of France to have the negociations between Spain and us, about this point, protracted as long as possible; and it was our interest to state plainly and clearly the point in question, and to insist upon a peremptory and speedy answer. According to this state of the case, I shall leave your lordships to judge, whether our minister, in his negociations for peace, pursued the interest of France, or that of Great Britain. But I must observe, that upon this question, the nation, the world, has already past judgment; and if your lordship's judgment should be different, I must beg of you to consider, what the consequence may be with regard to the character of this House.

It is well known, my lords, that it was not our minister that put an end to our negociations: it is well known, that he was forced into the war. The spirit of the nation made it absolutely inconsistent with his personal safety to treat any longer; and his majesty's natural genius concurring with the spirit of the nation, the minister was obliged to give way to the torrent, and to seem at least passive, by which means a war was at last resolved on. Let us now see, what was the interest of France, and what was the interest of Britain, with regard to the prosecution of the war. It was the interest of France, to have us prosecute the war in that manner which would make it most tedious, least advantageous to this nation, and most burdensome and destructive to our trade and navigation: It was the interest of Britain to prosecute it in that manner which should bring it to the speediest conclusion, which might bring the greatest advantage to this country, and which might be the least burdensome or destructive to our trade. To bring the war to a speedy conclusion, and to reap some lasting advantage from it for the nation, it was incumbent upon us to prepare, as soon as it was resolved on, for sending a powerful fleet, with a sufficient number of land forces on board, to America, in order to make as many conquests there as possible; and to have sent another fleet to the Mediterranean and coasts of Spain, with a number of land forces on board; not to make conquests, but to make incursions, in order to have kept them in continual alarms, and to prevent their being able to send any reinforcements to their settlements in America: and to make the war as little burdensome or destructive to our trade as possible, we ought to have fitted out no more large ships than we had absolutely occasion for; but as many small ships and sloops of war as possible, for protecting our trade, by intercepting and destroying the enemy's privateers; and in order to draw away as few seamen as possible from the merchant service, we ought to have begun with giving great encouragement for able-bodied land men to enter into his majesty's sea service, and to have accepted of all such as offered to enter.

These, my lords, were the methods by which we ought to have begun and prosecuted the war, if the interest of Great Britain had been considered or pursued; and if these methods had been taken, the war might have been over before this time; for Spain would have found itself under a necessity of submitting to our terms. I need not explain to your lordships what we have done, or have not done; for every man in Britain knows, that we began and prosecuted the war by methods directly contrary to these. Every one knows that we have hitherto prosecuted the war in that manner which must make it tedious, in that manner which can bring no advantage to this nation, and in that manner which has been vastly burdensome and destructive both to our trade and navigation; and therefore, every one must conclude that our minister has, in the prosecution of the war, as well as in the negociations for peace, had a view to the interest of France, in opposition to that of his native country. When this is the conclusion made by most men in the kingdom, can we suppose, that our people will pay their taxes with pleasure, or that the war can redound to the honour or advantage of this kingdom, whilst this minister has the direction of our affairs? When the affairs of Europe are at such a crisis, when the affairs of this nation are in such a ticklish situation, can any lord in this House scruple addressing his majesty to remove a minister who has shewn by his conduct, both in peace and war, that he regards nothing but the interest and friend-

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ship of our greatest rival and most inveterate enemy? What may have been his motives for holding such a conduct, I shall not pretend to determine; but if they proceed from nothing but weakness, it must be a weakness of a most extraordinary nature: of such a nature as must render him very unfit for having the chief direction of the affairs of such a powerful nation at such a critical conjuncture; and therefore, even suppose his whole misconduct to proceed from weakness alone, it is a sufficient reason for our addressing his majesty to remove him.

But I am afraid, my lords, his misconduct does not altogether proceed from weakness. He knows he is generally hated by the people of his own country: he knows he has been long hated by them: He knows, that nothing but the favour of the crown protects him against their resentment; and as that may fail him, or may be withdrawn, he is, perhaps, courting an asylum amongst the enemies of his country. If this be the case, how unhappy will this nation be, in case your lordships should refuse agreeing to the address proposed? the people will not think your refusal proceeds from his innocence, or your approbation of his conduct. However groundlessly, they will think your refusal proceeds from that very crime of which he is so generally suspected; and this will increase their hatred towards him, which must necessarily increase his attachment to the views, and his obedience to the orders of those from whom he expects protection in case of distress. How fatal may the consequence of this be to Europe at this critical conjuncture? what an irrecoverable ruin may it bring upon this nation? I shall add no more, but beg, that, upon this important occasion, your lordships would have a due regard to the interest of Europe in general, to the interest of your native country in particular, to the safety of the king, the satisfaction of the people, and to the honour and dignity of this august assembly.

The *Lord Chancellor*:

My lords; in all contests of a political nature, we ought to distinguish between those that proceed merely from a difference in opinion with regard to the public good, and those which proceed from private views and personal animosities. In every country, where men have leave to express their sentiments freely, there will be contests about every public measure that can be proposed or pursued, because when there is no demonstration, neither of one side nor the other, which is the case in all political disputes, there will be a difference of opinion. Even in the most arbitrary countries there must be a difference of opinion; but that difference cannot appear, or occasion any contest, because those who happen to disapprove of the public measures, dare not express, much less publish the reasons for their disapprobation. Therefore in every country where a free government is established, every time must be a time of political altercation; but those times only are to be called troublesome and factious, when the political contests proceed from private views and personal animosities; and if by this rule we examine the times when such addresses as this now under our consideration have been agreed to by either House of Parliament, I believe we shall find cause to conclude, that most of them were troublesome and factious times, and that those troubles and factions did not so often arise from the extraordinary weakness or wickedness of the ministers, as from the private views and personal animosities of those that opposed them.

Ministers, my lords, are not infallible, no more than other men; and they are liable to the same passions and affections with the rest of their species. As every man in the world would, I believe, desire to have the affection and esteem of his countrymen, rather than their hatred and contempt, therefore, both in charity, and from the nature of mankind, we ought to suppose, that ministers do the best they can for the public good; but as they are human, they must be guilty of oversights, mistakes, and failings, which will be overlooked by every good subject; and when not very extraordinary, will be forgiven by every man that is not their personal enemy, nor possessed with an immoderate ambition of succeeding them in their places. For this reason, no man ought ever to think, and much less ought either House of Parliament, to think of coming to such an extremity, as to address the king to remove any one of his ministers, unless it appears, not only that he has a prevailing influence in his majesty's counsels, but also, that he has been guilty of some enormous crime, or of such a series of misconduct, as evidently shews him to be a very weak man. This, I say, ought to be our rule, with regard to addressing our sovereign to dismiss any of his ministers; and in this we shall be confirmed, if we consi-

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der the many difficulties that ministers have to encounter, and the many personal enmities they must necessarily incur.

In this, as well as in all other countries, my lords, the people expect to be protected in their legal rights, and the free enjoyment of their properties: they expect to have justice diligently, faithfully, and impartially administered at home, and to be preserved from invasions, inroads, and piracies from abroad. This they expect from their ministers and governors, but they have very ill will to contribute either the trouble, or the expence, that is necessary for procuring them this protection; and, for this reason, they are, in all countries, extremely apt to find fault with, and clamour against the conduct of their governors, which makes it but too easy to raise a general complaint against the conduct of the best sort of governors; and no governor, or minister, can ever want personal enemies, who will be ready, upon all occasions, to criticise his conduct, to magnify and set in the most glaring light the little failings he may be guilty of, and to propagate murmurings and discontents among the people. For this purpose, we must allow, I say, that no minister can ever want personal enemies, especially if we consider the several selfish motives men may have for becoming the professed or the secret enemies of a minister. All men in superior stations, are, we know, exposed to the envy of those below them; and every man that is governed by this malevolent passion, must, of course, become the professed, or the secret enemy of a minister. Others, again, are entirely governed by their ambition, and are very apt to become enemies to a minister, because they suppose him to have been the cause of their not meeting with success in some unreasonable suit they made to their sovereign. But of all the sources of discontent and personal enmity against a minister, the greatest is that which, in this debate, has been supposed to be his chief support; I mean, my lords, the disposal of posts and offices in our government; for there are always five or six, sometimes a dozen of candidates, for almost every post or place any minister can have in his disposal: of these, but one can have it; and if the disappointed candidates are not men of great moderation, they, of course, become personal enemies to the minister, and are diligent in propagating every popular cry against him.

Thus, your lordships may see, that no minister can ever be without a multitude of personal enemies, who, upon all occasions, will be ready to propagate what the people are too apt to believe, that their business has been ill conducted, or that they have been put to a much greater expence than was necessary; for, in this case, ministers or magistrates may be very properly compared to attornies or solicitors in law affairs. Whilst the law-suit goes on, and the attorney brings in no bill of fees and disbursements, the client is perfectly satisfied with his conduct; but if the cause meets with any unexpected delay or bad success, though it be entirely owing to the nature of the case, the client then begins to exclaim against the conduct of his attorney; and even when the cause meets with the best success, and is brought to a happy issue, yet the client generally finds fault with his attorney's bill, and seldom pays it without murmuring. The case is, in this country, the same between the people and the king's ministers. If any national affair misgives or meets with any cross accident, it is always, though often without reason, imputed to the ill-conduct of the administration; and when the sums necessary for the public service come to be provided for, and paid, the people are always apt to complain. These complaints ministers have at all times been exposed to; and our present ministers are more exposed to such complaints, than any of their predecessors; because the people of this nation are now burdened with many taxes, for the payment of debts our present ministers never incurred, which, of course, makes the people the more unwilling to comply with those payments that are absolutely necessary for the current service.

My lords, it is easy to say, that a great part of our debts might have been paid off, but I defy any man to shew me how any greater part of them might have been paid off, than has actually been, without laying new or heavier taxes upon the people; because the free revenue, or that part of the public revenue which is not mortgaged to the civil list, or for the payment of old debts, is not sufficient for answering the annual expence; and therefore it has been necessary, almost every year, to apply some part, or the whole of the Sinking Fund, for the current service; which the parliament had a right to do, and which the parliament has always, when necessary, thought more proper to be done, than to load the people with any new or additional

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tax; and no public expence has been incurred, but what was at the time thought necessary for the public safety. If armies have been kept up, or augmented: if squadrons have been fitted out, or foreign troops taken, or kept in pay; it was, in my opinion, necessary, according to the circumstances the nation was then in, and I have always had the good luck to see my opinion confirmed by the majority of both Houses of Parliament. If our armies had not been kept up and augmented, or if squadrons had not been fitted out, as often as occasion required, I am convinced we should have been invaded, or some of our allies swallowed up, and the balance of power quite overturned, long before this time; but all such attempts have been prevented by the expence we have occasionally put ourselves to; and the good effect of that expence is now, by a very preposterous way of arguing, made a pretence for saying the expence was unnecessary, because we were in no danger; though the danger was fully made appear to parliament at the time the expence was incurred, and will still appear to every man who considers the circumstances of the affairs of Europe at the respective times we put ourselves to any extraordinary charge.

As the danger this nation was in of an immediate attack, in pursuance of the treaty of Vienna between the emperor and Spain, has been fully spoke to by other lords, in this debate, and, I think, made evident, if any reliance is to be had upon what his late majesty so solemnly declared to his parliament, I shall wave giving your lordships any farther trouble upon that head. But will any lord say, the Dutch were in no danger? Will any lord say, the French were in no danger of an immediate attack from the consequences of that treaty? My lords, we know there was a contest then subsisting, and ready to break out into a flame, between the emperor and the Dutch, in relation to the Ostend East-India company: We likewise know, that by an express article in that treaty, the king of Spain promised, that if the ships of the subjects of his imperial majesty should be attacked, on either side of the line, he would make it a common cause with his imperial majesty to revenge and redress the injuries and damages sustained. And also we know, that the Dutch were resolved to attack and seize, as they had a right to do, any of the Ostend ships they found trading in the East Indies, which if they had done, it is not to be questioned, but that war would have been immediately declared against them by the emperor, and in pursuance of this article, the emperor would have been assisted by Spain. Could we, my lords, sit still and see the Dutch over-run by the emperor and Spain? If we had done so, it would have drove the Dutch into the arms of France; and if we had no way intermeddled, the consequence of this war might have been fatal to the balance of power in Europe.

From hence, my lords, I think it is evident, that the Dutch were in danger of an immediate attack from the consequences of this treaty. But suppose they had been in no danger, suppose France only had been in danger of an immediate attack, even that attack might have necessarily involved this nation in a war, and, probably, would have done so, in order to preserve the balance of power, which might have been overturned by the too great success of either party engaged in that war, and especially if the success had happened to be upon the side of France. If this had been the case, France would, probably, have attacked Spain in the West Indies; and those amongst us, who are now so positive that France ought not to interpose, in order to prevent our making conquests upon Spain in the West Indies, would then, I believe, have been very apt to find fault with our ministers, if they had quietly allowed the French to take possession of any part of the Spanish settlements in America.

It is therefore certain, that we must have been involved in any war that could break out in consequence of this treaty at Vienna; and, I think, it is as certain, that either this nation, France, or Holland, would have been attacked in pursuance of this treaty, if it had not been for the treaty of Hanover, and the measures we afterwards took, for preventing the return of the Spanish galleons. Consequently, no fault can be found with any expence we put ourselves to in pursuance of that treaty, because it preserved the tranquillity of Europe, and thereby prevented our being obliged to put ourselves to a much greater expence. By the treaty of Hanover, the emperor found himself under a necessity of giving up the Ostend company, and the court of Spain were obliged to give up all their views of resentment against this nation, as well as against the court of France; and when this was done, it was the interest of this nation to re-establish a good understanding with Spain

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as soon as possible; and, for that purpose, to refrain from those acts of hostility which we might have committed, and had a right to commit, upon their beginning hostilities against us. For this reason, and because we knew it was not in their power to do us any considerable injury, I must still think, it was prudent in us to despise their resentment, by not returning the hostilities they committed; for, by this means, we restored peace between the two nations much sooner than we could otherwise have done, and obtained all we could desire by the treaty of Seville.

I am really surprised, my lords, to hear so much fault found with the treaty of Seville: it has once already had the approbation of the parliament, and it deserved that approbation; for we had at that time nothing to ask from Spain but a renewal and confirmation of former treaties, and reparation for the merchant ships of this nation they had unjustly seized and confiscated; and both these we obtained stipulations for in as explicit terms as could be made use of; so that if the Spaniards have continued their depredations, and if our merchants have met with no reparation, it is not owing to that treaty, but to a breach of faith in the Spanish court, which could not be foreseen nor guarded against by any treaty, or by any method I can think of, but that of never being at peace or in friendship with such a faithless nation; and this, I am sure, no man would advise, that understands and has a regard for the trade of this kingdom.

As to the introduction of 6,000 Spanish troops, instead of neutral, into the strong places of Tuscany, Parma, and Placentia, a noble duke has already rightly observed, that the difference was of no real signification to the emperor, nor could it give the least encouragement for Spain to attack him in Italy. It was not the introduction of those troops that occasioned the war in 1733; it was the court of Vienna's having given offence to the court of France, by interfering so much as they did in the election of a king of Poland, that gave occasion to that war, and encouraged the Spaniards to attack the emperor in Italy; for as the emperor himself had given rise to that war, the Spaniards knew, that the maritime powers did not think themselves obliged to assist him, and from thence they found they might send what troops they pleased to Italy. In this war, my lords, it is very certain, the Dutch did not think themselves obliged to have any concern, though they had guaranteed the Pragmatic Sanction as well as we, and if we had thought otherwise, it would have been very imprudent in us to engage in that war without the Dutch. But though it was neither prudent nor necessary for us to engage immediately in that war, yet both the Dutch and we foresaw that it might become necessary, in order to preserve the balance of power in Europe, and therefore it was necessary for both of us to provide for the worst, by making such preparations as might enable us to engage with vigour, as soon as either of the parties began to push their success farther than was consistent with that balance, which justifies the expence we put ourselves to upon that occasion; and accordingly the preparations we made at that time had their desired effect, by making France and its allies confine their views within those bounds, and put a stop to the progress of their arms in the midst of victory, and when it was not in the power of the emperor to prevent their pushing their conquests as far as they had a mind.

And with regard to our disputes with Spain, it is very well known, my lords, that they could not at that time afford us any pretence for engaging in the war. The Spaniards had given us no new cause of complaint: on the contrary, the king of Spain had but the year before sent express orders to his governors in America not to molest any English ship in those seas, that did not appear to be concerned in any illicit trade; and as to past injuries, our commissaries were then in Spain, and we had reason to hope for a full reparation as soon as the account could be adjusted, which from the very nature of the case could not be done in a short time, because it depended upon those proofs and vouchers, which were to be transmitted from America to Europe; and when any of those proofs or vouchers wanted an explanation, it became necessary to send back to America for it, and to wait the return before any thing could be determined. This plainly shews the reason why our negociations with Spain were so tedious, and why it took up such a long time before we could be assured, whether that court would, or would not do us justice by fair means.

Thus, I think, it appears, my lords, from the whole tenor of our late conduct, that our ministers have at no time put the nation to any expence but what was necessary from the circumstances the affairs of Europe were then in; and that the only

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fault they have been guilty of, has been, their preserving the nation in a continual state of peace and tranquillity, without suffering any material alteration to be made in the political system of affairs in Europe; for as the emperor, or at least the house of Austria, got Tuscany, Parma, and Placentia in lieu of Naples and Sicily, and as France had before the command, and even the possession of the duchy of Lorain whenever they pleased, I must insist upon it, that the house of Austria was as powerful, and France no more powerful at the time of the late emperor's death, as at any time for twenty years past. The emperor's unexpected death, and the disputes that have arisen, and are like to arise among the princes of the empire upon that fatal emergency, has, it is true, made a great alteration in the affairs of Europe; but this will not, I hope, be imputed to the weakness or wickedness of our ministers, or to any improper complaisance they have shewn for the court of France.

From the conduct of our foreign affairs, therefore, no man can have reason to suspect our ministers of having designs inconsistent with the interest or welfare of their country; and as no unnecessary or oppressive laws have been passed, nor any one instance of a law's being wrested towards the oppression of their enemies, notwithstanding the many unprecedented provocations they have met with, no man can have the least reason to suspect their having designs against the liberties of the people; nor can I, my lords, believe, that such suspicions as the noble duke was pleased to mention, are entertained by any great number of men in the kingdom. As by my office I am obliged to converse with numbers of men who have no dependence upon the court, if there were such general suspicions, I should think, I must have heard of them; and yet I can freely declare, I never heard any one signify his having such suspicions, either against the minister whose conduct is now under our consideration, or against any one other of his majesty's servants. But suppose there were such suspicions: suppose they were as general as has been represented; I have shewn very good reasons why they should not be of such weight as to prevail with us to fix an indelible mark of infamy upon a minister's character, by addressing his majesty to remove him from his counsels and presence for ever. I have shewn how apt the people are to find fault with the conduct of ministers, and how ready to believe every story published against them: I have shewn, what a number of personal enemies every minister must necessarily have, and how industrious they will be to propagate false rumours, and inflame the jealousy of the people. By the industry of a minister's personal enemies, especially in this country, where every man may not only say, but print and publish almost whatever he pleases, and by the willing credulity of the people in such cases, suspicions may be raised and propagated so as to become general, without the least foundation; and therefore, those general rumours or suspicions can never be a proper or just foundation for any resolution in parliament, and much less for a resolution that makes a man appear upon record as a weak or wicked minister.

Whatever the suspicions of the people may be, my lords, the parliament should have a very solid foundation before they express their suspicions by such a standing resolution; and therefore, I hope your lordships will give me leave to shew, that there is not the least foundation for any of the suspicions that have been mentioned. To imagine or suppose, that any one minister solely engrosses the ear of his sovereign, and usurps the sole disposal of all the favours of the crown, is, I am sure, no compliment to the king upon the throne, and it is a supposition that can be made by no man, who has the honour of knowing any thing of his present majesty's character. His ears, my lords, it is well known, are open not only to all his ministers, but to all his subjects. He is as ready to hear their complaints, as he is willing to redress their grievances: and never does bestow any favour without examining, as far as his high station will give him leave, into the character of the person recommended. The minister whose conduct and character is now under our consideration, has certainly a great share of his majesty's confidence; but this does not proceed from any blind attachment to him, but from the experience his majesty has had of his fidelity and wisdom; and to those who have the honour to be near his majesty's person, or in his counsels, it is very well known that this minister's recommendation does not always succeed, nor does his opinion always prevail in council; for a candidate has often been preferred in opposition to the candidate recommended by him, and many things have been resolved on in council contrary to his sentiments and

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advice. Nay, this the noble lords who support this motion seem to acknowledge, when they say, that the present war was resolved on contrary to his advice; and therefore, I am surprized, they should charge him with being the sole author of every step of our conduct for so many years past.

For this reason, the hon. gentleman aimed at by this motion, can no way be charged with having solely engrossed the ear of his sovereign, nor can his present majesty's known character admit of such a charge against any man in the kingdom; and as to the posts, offices, and other favours in the disposal of the crown, it is very well known, that he never attempts to recommend any person directly to his majesty, but such as are soliciting for something belonging particularly to his own department. Indeed, as there is and ought, and always will be, under a wise king, a very good correspondence between his majesty's ministers, they often recommend to one another; and when a gentleman of the army, navy, or any other sort of business, thinks he has a title to the favour of this minister, he may, perhaps, apply to him for his recommendation, not to the crown, but to the minister or great officer whose business and duty it is to recommend to his majesty the most fit and proper person for the office or employment then to be disposed of. Thus, my lords, we may see, that this minister's levee may be crowded with suitors of all sorts of characters, without his usurping the disposal of any of the favours of the crown, except such as particularly belong to his own province.

I shall grant, my lords, it is in the general a right maxim for the king not to take notice of, or have any regard to a gentleman's behaviour in parliament, with respect to the distribution of those favours, which the crown has to bestow. But even this maxim may admit of some exceptions. We know there is in the kingdom a party of professed Jacobites; we know there is likewise a party of professed republicans. I do not say there are any of either of these parties now in parliament; but if they should get into parliament: if they should there pursue Jacobite or republican schemes; and if any of the officers of the army, or any civil officer should, by his behaviour in parliament, countenance and support such schemes, I believe it will not be said, that the king ought not to take notice of such behaviour in parliament: I believe it will not be said, that it would be any encroachment upon our constitution, should he turn such officers out of his service on account of that behaviour.

This, I say, my lords, will, I believe, be allowed to be an exception from the general rule; but I am far from applying this to any case that has lately happened; nor do I think, that his present majesty ever dismissed any one from his service, on account of his behaviour in parliament; for his majesty may have many reasons for dismissing an officer, either civil or military, which no way relate to his behaviour in parliament; and if any officer happens to have a seat in parliament, I hope it will not be said, that his majesty must not, for that reason, dismiss him on account of a misbehaviour he may be guilty of in some other respect. But whatever reasons his majesty may at any time have to make use of that prerogative, which gives him a power to dismiss an officer from his service, I am convinced he will not, nor will he allow any minister to advise him to make use of this prerogative, for preventing a member's declaring his sentiments freely about any measure of government, provided he does it with that decency which is due to the crown, and without any factious or seditious manner of expressing himself upon the subject under debate.

As to the declaration said to have been made in the other House by the minister whose conduct is now proposed to be stigmatized by a resolution of this, your lordships know it is not regular in us to take notice of any thing said or done in the other House. Words are apt to be misunderstood, and are seldom faithfully repeated; therefore I cannot easily believe, that this minister expressed himself exactly in the terms represented. If he had, I am convinced they would have been taken notice of in a proper way, by some of the members of the other House; and we should then, probably, have heard of them in a proper manner. For this reason, I say, my lords, I cannot easily believe, that the hon. gentleman whose character is now in question, made such a declaration as has been mentioned to us in this debate, but am fully convinced, that what he said upon that occasion has been misrepresented to the noble duke, who has made use of it as an argument for our agreeing to this motion. However, suppose he had made use of these very words which have been repeated to us, I should

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not think it consistent with the known justice and impartiality of this House to pass such a severe sentence upon him as is now proposed, without first hearing him in his own defence, and allowing him an opportunity to explain himself; and I am the rather of this opinion, because I think the words, even as they have been repeated to us, may admit of such an explanation as will make them both harmless and innocent.

Lastly, my lords, as the suspicion of corruption both at elections and in parliament, it is a clamour that has generally prevailed against all ministers, and always will prevail, as long as there is a good correspondence between his majesty and his parliament. There will always be a diversity of opinions about every thing almost that comes before parliament, and those who really differ in opinion from his majesty's ministers and the majority of parliament, will be ready to impute the prevalence of the contrary opinion to any thing rather than true reason and sound argument. This is an error which every man's personal vanity prompts him to indulge, and as no cause for the prevalence of the contrary opinion is so obvious as corruption, therefore it is generally assigned as the cause of the majority's agreeing with the administration, and this opinion is always most industriously propagated by those who oppose the administration, not because they differ in opinion from the king's ministers, but because they have a personal resentment against some of them, or are ambitious of getting into their places, though very probably incapable of governing so well. There is, therefore no possibility of removing this general clamour against corruption, but by interrupting that good correspondence which now so happily subsists between his majesty and his parliament; and this might very probably be the effect of the present motion's being agreed to, which leads me to consider the dangerous consequence of our agreeing to the address proposed.

Suppose, my lords, we should present to his majesty such an address as is now proposed; suppose both Houses of Parliament should concur in that address: It has not yet, I think, been said in this debate, that his majesty is by any thing in our constitution obliged to comply with it. His compliance must therefore depend upon his being of opinion, that the address was well founded, and that therefore it would be right in him to comply with it; for if his majesty should think the address ill founded, and that it would be wrong in him to do such an injury to a good servant, as to remove him from his counsels and presence for ever, could it be consistent with his majesty's honour or justice to comply with the address of his parliament? We may from hence see, that our presenting such an address as is now proposed, would probably end in a breach, perhaps an irreparable breach, between his majesty and his parliament; and the consequence of this, especially in our present situation, I tremble to think of. From his majesty's known justice and honour we must conclude, that his majesty would certainly refuse to comply, if he thought a compliance inconsistent with either. This would, of course, raise an animosity in both Houses of Parliament against the administration, which would make them refuse to grant these supplies, or concur with the administration in those measures that are necessary for the support of our government; and this would necessarily occasion a total dissolution of our present happy constitution. Therefore, my lords, I must conclude, that no lord who has a true regard for the success of the present war, for the glory of the king, the safety of the kingdom, or the preservation of our happy constitution, will agree to this motion, unless he sees more cogent proofs of mal-administration, than, I think, have yet been offered in this debate.

Lord *Bathurst:*

My lords; I am surprized to hear it said, that most of the addresses of this kind have proceeded from private views and personal animosities; and it adds greatly to my amazement, when I hear such a doctrine advanced by a noble lord, whose candour I have a great opinion of, and whose knowledge in our histories, and in our journals in parliament, is not in the least to be questioned. From the little knowledge I have in this way, I think it is evident, that no parliamentary attack upon a minister ever proceeded from private views or personal animosities, but when the attack was patronized by a court-faction, supported by a packed or a pensionary parliament. In the reign of Richard the 2d, the archbishop of Canterbury, and the earls of Arundel and Warwick were prosecuted, and most unjustly condemned in parliament; but every one

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knows, it was by a parliament most illegally packed by a court-faction for that very purpose: and in the reign of Charles the 2d, the earl of Clarendon was prosecuted in parliament, and most unjustly banished by act of parliament; but it is well known, that the prosecution was spirited up against him by a court-faction, and the parliament that banished him has, ever since its dissolution, been branded with the scandalous epithet of a Pensionary Parliament. In several other reigns, we may find injustice done by parliaments under the influence, and by the contrivance of the ministers of the crown; but from the beginning of our history to this very day, I believe, we can find no one example of a minister's having had injustice done him by parliament, as long as he remained in the favour, and under the protection of the crown. Even in king Charles the 1st's time, if the parliament took some extraordinary steps, not altogether agreeable to our constitution, it was occasioned by the crimes and misdemeanors of the ministers, and by the extraordinary methods they took for screening themselves against the laws of their country. Therefore, from experience we have no reason to be cautious of addressing for the removal of a minister, but have great reason to guard against a minister's power growing to that excessive height, as to render it impossible to remove or punish him by the ordinary methods prescribed by our constitution; and this will be the case, if ever a minister should be able, by those corrupt and illegal means, which the favour of the crown may now furnish him with, to command a majority in both Houses of Parliament.

That ministers are not infallible, that they are liable to the same passions and affections with other men, is what I shall most readily admit. But, my lords, there is a very great difference between a minister's being fallible, and his being never in the right: there is a very great difference between a minister's being subject to the little frailties incident to human nature, and his testifying, through the whole tenor of his conduct, a settled design to render his power incontrolable by the laws and constitution of his country. That this is the case, with regard to the minister whose conduct is now under our consideration, is, I am sure, suspected by a great part of the nation, and must, I think, appear evident to every one that seriously and impartially considers the history of his administration. In all the extraordinary events that have happened since his accession to power, he has taken that part which was most inconsistent with the true interest of his country: he has opposed or disconcerted every scheme that has been offered for the real good of his country; and all the projects that he has either offered or patronized, have been such as tended to increase the power of the crown, by adding to its unaccounted-for revenue, or multiplying the posts in its arbitrary disposal, and thereby giving its ministers the means of acquiring a corrupt influence, both in parliament and at elections.

I am far from saying, that this proceeds from his weakness. No, my lords, it proceeds, I believe, from a well-concerted, but wicked scheme, for putting it in the power of ministers to make themselves masters of our constitution, by having always a majority in parliament attached to their particular interest, and ready to obey their commands. It is this that has made him in all foreign affairs take that part, which was inconsistent with the true interest of his country: it is this that has made him oppose every feasible scheme for paying off our debts, abolishing our taxes, or reducing the number of our officers and placemen; and it is this that has made him project and patronize so many schemes for increasing the power of the crown by adding to its revenue, and by multiplying revenue officers, and excise and penal laws. My lords, his design to overturn the liberties of his country, is, I think, evident from the foreign measures he has pursued. Let us examine our histories, and we shall find it to have been an established maxim with every minister, who designed the overthrow of our constitution, that a firm friendship and intimate correspondence was to be preserved with the court of France; and the maxim is, indeed, most reasonable and necessary for succeeding in such a design; for it would be impossible to succeed, if the court of France should espouse and assist the party that would of course be formed in this kingdom against such an administration. For the proof of what I say, I need go no farther back than the reigns of Charles and James the 2d. In both these reigns the interest of this nation, and the preservation of the balance of power in Europe, were sacrificed to the cultivating of a precarious, a ruinous friendship with France; and this we know proceeded from the ministers in both those reigns having a design against the liberties of their country.

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The designs they had, my lords, are now well known: the designs of our present minister are not as yet publicly known; they cannot be proved, whilst he continues in power; but as his conduct from the very beginning of his administration has, with regard to France, been the same, we ought to suppose that his designs are of the same nature; and we ought to be the more jealous of them, because the crown has now a great deal more money, and a much greater number of posts and offices to bestow; and I am afraid the virtue of the people is not so impregnable as it was at that time; for corruption, by long impunity, and by the multitude of the guilty, is now, I fear, so far from being scandalous, that it is become fashionable.

Considering what has been already said by the two noble lords, that have spoke upon the same side with me, I need not enter into a detail of our foreign measures, in order to shew, how much they have all been calculated for the interest of France, and how often, or how long the interest of this nation, and the safety of Europe, have been sacrificed to the views of the French court. This has been already so fully and so clearly explained, that those who are not already convinced, will not, I am sure, be convinced by any thing I can add upon that subject. But as our guarantying the Pragmatic Sanction in 1731, may seem to be a sort of deviation in our minister, I shall beg leave to make some observations upon that treaty. I have no occasion, my lords, to explain the unlucky circumstances our minister had reduced us to by that ridiculous article in the Seville treaty, relating to the introduction of Spanish troops into Italy. This introduction we had obliged ourselves to effectuate without loss of time; and this obligation we could not perform but by one of these two methods: either by joining with France and Spain in a war against the emperor, or by making such concessions to the emperor, as might induce him not to oppose that introduction. Our minister had not then made himself so much master of our parliaments or elections, as that he could expect to get a parliament of Great Britain, to approve of his joining with France and Spain in a war against the emperor, nor were our armies become so mercenary as to support him against the parliament; therefore he was forced to chuse the other method, of making such concessions to the emperor, as might induce him not to oppose this introduction; and nothing but a general, absolute, and unlimited guarantee of the Pragmatic Sanction could satisfy his imperial majesty.

Thus, my lords, we may see, that it was not choice, but a necessity he had brought upon himself, that forced our minister into this guarantee, and the consequences have shewn, that he never had an intention to perform it; so that it cannot be made use of as an argument for shewing, that he has ever once departed from the maxim of cultivating a close correspondence with the court of France; and if we were masters of all that was at that time transacted between us and France, especially with regard to the affairs of Poland, it might perhaps appear, that the guarantee he thus engaged in, was no suspension or infraction of that correspondence. As to the guarantee itself, I shall in the general approve of it, but I cannot approve of the method by which we were drawn into it, nor can I approve of our having entered into it without some previous concessions from the court of Vienna, in favour of some of the other princes of the empire. We then knew, that several princes of the empire had claims and complaints against the house of Austria: we knew that upon the emperor's demise, without heirs male of his body, these princes would endeavour to vindicate what they thought their right; and therefore, before we entered into any guarantee of the Pragmatic Sanction, we should have endeavoured to unite as much as possible all the princes of the Germanic body in the same guarantee, by stipulating some satisfaction for them with regard to the rights they severally pretend to. Some few concessions from the court of Vienna would then have satisfied most of them, whereas, as the case now stands, I am afraid, it will be impossible to unite those princes in any one scheme for preserving the tranquillity of their country; and if the war which is already begun, should become general throughout Germany, we shall see the balance of power in Europe overturned, or this nation engaged in a war as dangerous and expensive as any we were ever engaged in.

From what I have said, my lords, it will appear, that our minister has, ever since his getting at the head of the administration, without the least voluntary deviation, pursued that maxim which was never laid down by any administration in this kingdom, but by such as had formed designs against the liberties of their country; which, in my opinion, is a strong presump-

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tion of his having some designs of the same nature, though he takes a very different method for carrying them into execution. In former times, the crown had but very little money, and very few lucrative places, to dispose of, therefore, they could never carry corruption such a length as to affect our elections; and if they by that means, secured at any time a majority in parliament, this majority was daily decaying by the new elections going mostly against the court party. This laid them under a necessity of making their attacks upon the constitution, by stretching the prerogatives of the crown beyond their just bounds, and this always gave the people an immediate and a general alarm. But now corruption may be carried such a length as to affect most of the elections in the kingdom; and therefore it would be ridiculous in an ambitious or wicked minister to carry on his attacks upon our constitution by any other means. If none of the prerogatives of the crown are now stretched beyond their due bounds: if no severities are made use of against particular persons: if a greater indulgence be allowed both in writing and speaking than was allowed in former times: if the private property of no man be invaded or encroached on contrary to law: we are not from thence to judge that our constitution is in no danger; for if a minister can always secure a majority in parliament, and thereby have what laws he thinks proper, and whatever sums of money he pleases, without account, it would be ridiculous in him to make use of any of these alarming methods, or to give himself any trouble about what may be said or wrote against him. He depends upon what he can give, and not upon what he can say, for an approbation of every thing he proposes; and therefore, he has no occasion to trouble his head about what is said or wrote against it. And as he may have, by act of parliament what share he pleases of the property of every man in the kingdom, he has no occasion to invade the property of any particular man.

This, my lords, has often made me wonder at the weakness of some people, who cry, how can your liberties be in danger, when the private property of no man is invaded? When the liberty of the press is indulged as much as it ever was in this or any other country? and when the king in every thing, makes the laws of the land the rule of his government? My lords, these things may all be in appearance, and yet we may have no liberty left; for if the ministers of the crown, by means of corruption, have got the direction of most of our elections, and consequently rendered themselves secure of a majority in every parliament, we have no liberty; we have the shadow only of a free government. The ministers may be so wise as to abstain from particular oppressions, or particular acts of violence, but the people in general will be oppressed, and the government will be a general and continued act of violence. This was the case of Rome under Julius and Augustus Cæsar: this has in every country been the case of an arbitrary government in its infancy; for if the founder of an arbitrary government should commit particular acts of violence, or oppress particular men, before the people are accustomed to the bit, like an unbroken colt, they would break their own necks, or the neck of their rider. But after the people have been for some time accustomed to the bit, and by good usage induced to submit to it, oppression in every shape will at last creep in upon them, as it did at Rome soon after the death of Augustus Cæsar; and then the oppressor may sometimes suffer by the desperate resentment of those he has oppressed, or the ungrateful ambition of those he has advanced, but the people will find no relief, unless it be that melancholy one, a change of oppressors.

This argument, my lords, I thought myself obliged to take notice of, because I have often heard it urged, against those who intimate a laudable jealousy of our constitution's being at present in danger from the slow, but sure attacks of corruption. These attacks are the most dangerous, because they are the most imperceptible. By a vulgar eye they cannot be discerned, but, I hope, they will never long escape the piercing eye of this assembly: and, as soon as we do perceive them, as soon as we do but suspect that any minister has formed such designs, I hope we shall always take the best and most obvious method for preventing them, which is by removing that minister from his majesty's counsels and presence. That we have reason to suspect the minister whose conduct is now under our consideration, of having formed such designs, has been, in this debate, I think, made manifest from the measures, both foreign and domestic, which he has, without deviation, pursued ever since his accession to power; and in such a case shall we say, shall any lord in

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this House say, that we ought not to address the king to remove him, unless it appears that he has been guilty of some enormous crime, or of such a series of misconduct, as evidently shews him to be a very weak man? My lords, the whole tenor of his conduct has been a series of the most manifest weakness, or it has been a series of the most enormous crimes. If he has no such design, as I have said I suspect him of, his conduct from the beginning of his administration to this very day, has been a series of the most monstrous weakness: if he has such a design, it has been a series of the most heinous, the most dangerous crimes.

By the arguments that have been made use of in this debate, it would seem as if some lords thought, that a minister ought never to be removed; and that after he has once got himself at the head of the administration, he has as good a title to continue there, as a man has to continue in the possession of his estate; for this must be the case, if a minister is never to be removed unless he be condemned as a criminal by a court of justice, or declared an ideot by a court of Chancery. My lords, I happen to be of a very different opinion: I think, no minister ought to be allowed to continue long in his place, and that therefore, if the king does not remove him, the parliament ought, even though he has never been guilty either of wickedness or weakness. In all free governments it is a maxim: it is the essential quality, the distinguishing character of a free government, that the conduct of every minister and magistrate ought, and may be strictly and impartially enquired into, by the assembly of the people. For this reason, in all well constituted governments, those who have the supreme executive power of the society in their hands, are never continued for any long time in their posts; because, whilst they have the power and the money of the society at their command, it is very difficult to make a strict and impartial enquiry into their conduct. By our constitution the king is never to account for his conduct, because, though a great part of the executive power be lodged in him, yet he is supposed to do all by his ministers; and for this reason his ministers, though named by him, are always liable to a strict account in parliament; but this strict account they can never easily be brought to, as long as they continue in the favour of the crown, and consequently at the head of the administration; therefore, according to the maxim established in all free and well-constituted governments, our ministers ought never to be allowed to continue long at the head of the administration, which a favourite will always be, as long as he is allowed to remain in the councils or presence of his sovereign.

From hence, my lords, we must see that this address would be agreeable to our constitution, and that we ought to agree to it, even although our present minister could neither be accused, nor so much as suspected of any weak measures or wicked designs; but as it has been shewn in this debate, that he must be suspected, nay, that he must be guilty, either of the one or the other; this general argument, which is founded upon the very nature of a free government, is no way necessary for prevailing with us to agree to this address. But in order to excuse our minister, and to find out any reason but the true one, for the general suspicions and universal odium that prevail against him, it seems the whole people of England are to be accused of injustice, and of insisting upon what, in the nature of things, is not to be expected. To have the government administered, and all the ends of it answered, without putting them to any trouble or expence. My lords, I will venture to become an advocate for the people of England; I will venture to assert, that no general suspicion was ever raised among them without a just ground: that they never complained of any trouble they were put to, if it was really necessary for their own protection; and that they never murmured at any expence, if it was necessary, and frugally applied, for answering the ends of society. This I will venture to assert; and I will appeal to the whole tenor of our histories for a confirmation of what I say.

I shall grant, my lords, that every man in the administration must necessarily make some personal enemies; but not near so many as the noble lord would insinuate; for when, of a number of candidates for any post in his gift, he prefers him who is apparently the best entitled, none of the rest will complain, and the hopes of success in their next suit will keep them attached to his interest. If the disposal of posts and offices were a disadvantage to a minister, as the noble lord has endeavoured to make us believe, we should not see ministers so fond of encreasing the number of those posts and

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offices that are at the absolute disposal of the crown, nor should we find them so unwilling to part with the disposal of those posts and offices, which they are entitled to by the present model of our constitution. A minister knows, that by the disposal of such posts and offices he can make a great many personal friends, that by the expectation of the next preferment he may keep a great many attached to his personal interest; and that if any are so hardy, as to declare themselves his personal enemies, it will be impossible for them to form any considerable party against him, as long as his measures are such as but seemingly tend to the public good. Ministers, my lords, I shall allow, may in many things be compared to attornies at law, and in nothing more aptly than in this, that they generally sacrifice the cause of their client to their own interest; and in law, as well as state-affairs, we shall find, that an attorney never gets a general bad character without some very just foundation; which, in the case now before us, ought to be particularly attended to, and will be a very strong argument for the address proposed.

The noble lord was pleased to throw out a defiance for any one to shew, how a greater part of our public debts might have been paid off than has actually been, without laying new or heavier taxes upon the people; because, said he, our free revenue is not sufficient for answering our annual expence. This challenge, my lords, I will accept of, and will endeavour to shew, that our free revenue has for near 20 years been a great deal more than sufficient for answering our annual expence, if we had kept up no greater armies than were necessary, paid no unnecessary pensions, nor fitted out any useless squadrons. For this purpose, my lords, I will build my calculations upon those made in a pamphlet, published towards the latter end of queen Anne's reign, and supposed to have been wrote by a very near friend of the minister, whose conduct we are now considering. The author of that pamphlet reckons 350,000*l.* a year sufficient for the support of all the guards and garrisons we ought to have here at home, and 120,000*l.* a year sufficient for the ordinary of the navy; and I will say, that 500,000*l.* a year is sufficient for the civil list, if no useless nor dangerous pensions were paid out of it; and if to these three sums we add 520,000*l.* a year for maintaining 10,000 seamen, and 300,000*l.* a year for defraying the expence of the office of ordnance, and for supporting our garrisons at Gibraltar, Port-Mahon, and in the Plantations, the whole necessary annual expence of this nation would amount to no more than 1,790,000*l.* To which I shall add 210,000*l.* yearly for building churches, endowing hospitals, settling colonies, and other the like extraordinary charges, which we have but lately fallen into, in order to make up an even sum of two millions yearly.

At this rate, my lords, the whole necessary annual expence of this nation, in time of peace, which would have been our case for near 20 years past, perhaps I may say, ever since the death of queen Anne, if we had not unnecessarily engaged ourselves in some foreign disputes we had nothing to do with: I say, the whole necessary annual expence of this nation for near 20 years past would, in this case, have amounted to no more than two millions sterling.

And now, my lords, let us compute the free revenue, that is, the revenue which is not mortgaged for the payment of any old debt. The land-tax at 2*s.* in the pound, is generally computed at a million a year, and the malt-tax at 700,000*l.* a year; but as there may be a deficiency in each, I shall compute them both but at 1,600,000*l.* a year; and though the civil-list revenue is generally computed at a million a year, I shall reckon it but at 900,000*l.* which makes in the whole 2,500,000*l.* free revenue yearly. From whence we may see, that if for this last 20 years we had kept up no greater land-armies than were necessary, nor paid any unnecessary pensions, nor fitted out useless squadrons, instead of encroaching upon the sinking fund, we might have added 500,000*l.* to it yearly, for paying off our old debts, without laying any new or heavier taxes upon the people; and if to this we had added what might have been saved by abolishing all sinecure posts, and reducing all exorbitant salaries, in the management and collection of the public revenue, and had taken proper methods for reducing the interest of money, I may venture to say, that by this time most of those taxes that lie heavy upon poor labourers and manufacturers, would have been abolished, and the greatest part of our public debts, if not the whole, absolutely discharged.

Figures, my lords, are stubborn things: they will not give way to eloquence, nor can the conclusions drawn from them be evaded by the most cunning sophistry. There is, therefore, no answer can be made to what I have advanced, except

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what the noble lord took care to make use of by saying, that no public expence has been incurred, but what was at that time thought necessary for the public safety. By whom, my lords, were the several articles of extraordinary expence we have incurred, thought necessary? Not, I am sure, by the majority of the nation, nor by any unprejudiced man in the kingdom. They were thought necessary by the minister only, and such as were at that time prejudiced in favour of every thing he proposed. This sort of prejudice has often a very strong effect upon the judgments of the most discerning, and this prejudice in favour of a minister, whilst he keeps within any bounds, may very much contribute towards procuring him a parliamentary approbation of measures that are in their consequences very pernicious; but as these consequences are now become apparent to the whole world, though they could not be foreseen by those that were prejudiced in his favour, they are now felt even by them, and this must make them now condemn what they were formerly induced by their prejudice to approve of.

For this reason, my lords, if pernicious measures, or unnecessary expences have been approved of by parliament, this is no reason against their being now condemned even by those who have formerly approved of them. In affairs of a political nature, the best, the most honest may err in their judgments, especially when they judge in favour of personal friendship; but when they discover their error, and find that their native country has thereby been brought into distress, or, I may say, to the brink of ruin, they are bound both in justice and honour to make the best atonement they can to their country, by addressing to remove the minister who has led them into that error; for to sacrifice our country to any personal friendship, must be allowed to be a crime of the most heinous nature. For the same reason I must think, the noble lord has not now any great reason to boast of the good luck he has had to see his opinion confirmed by the majority of both Houses of Parliament. He must know that his opinion has been generally condemned by the majority of the nation; and he must now find it condemned by the necessary consequences of things; for I will appeal to the common sense of mankind, if ever this nation was in greater danger of being invaded, if ever our allies were in greater danger of being swallowed up, if ever the balance of power was in greater danger of being overturned, than at this instant; and to the same I will appeal, after what has been said in this debate, if all these dangers have not naturally arisen from our having too much cultivated a correspondence with France, for our having restored the correspondence between France and Spain, from our having laid a foundation for a breach between Spain and the emperor, and for our having left the latter to the mercy of his enemies at a time when, I think, we were bound both in honour and interest to assist him. The noble lord has therefore now no great reason to boast of his opinion's having been confirmed by both Houses of Parliament. And if the general opinion of the nation be right, if the approbation of parliament has been owing to any sort of corrupt influence, no man can have reason to be proud of his having been one of such a majority; but upon the contrary, such an uniform and suspicious concurrence of parliament, with every thing the minister was pleased to propose, becomes an additional, and a strong reason for the removal of that minister.

I am really amazed, my lords, to hear it so much as pretended, that the Dutch were in danger of being attacked, in consequence of the treaty between Spain and the emperor in 1725. It is surprising that we should at that time have been more afraid of their being attacked than they were themselves; for it is very well known, that they were not parties-contractors in the treaty of Hanover, though they were named as such; it is known that they did not accede to it till near a year after it was made, and that their accession was then procured with great difficulty, and under several restrictions; therefore the danger the Dutch were in of being attacked, could be no reasonable motive for our engaging in that treaty; and if the French were in any danger of being attacked by the emperor and Spain, it was not surely the interest of this nation to prevent that attack, because such a war would have been of great service to the trade of this kingdom, and we should have had it in our power to direct or put a stop to the progress of the arms of either side, whenever we thought proper.

To preserve the tranquillity of Europe is a very good and a very Christian-like maxim, but we have of late years pushed it so far, that it is really become ridiculous. The true interest of this nation is not so much to preserve the tranquillity of

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Europe, as to take care of the balance of power in Europe, and for this purpose to take care, that in every war that happens, the parties engaged shall be as equally matched as possible, and that no one power shall push its success so far as to bring that balance into danger. If the emperor and Spain had an intention to attack France, in consequence of the treaty of Vienna, we may be very well assured, they would not have attacked, or offended the Dutch at the same time; and if France had been attacked by the united power of the emperor and Spain, the parties engaged would have been so equally matched, that both would have taken care not to push the war so far, or in that way, as might throw the power of this nation into the other side of the scale; therefore, if we were to chuse, I will be bold to say, we could not chuse a war in Europe that would be more beneficial, or less dangerous to this nation, than a war between the emperor and Spain on one side, and France alone on the other side. From whence I must suppose, either that those who advised the treaty of Hanover, and the steps taken in pursuance of that treaty, did not understand the interest of their country, or that they had motives very distinct from the interest of their country. But after we had made that treaty, and had, by the measures we took in pursuance thereof, brought on a rupture between Spain and us, it was very surprising, we did not take that opportunity to compel the Spaniards to make satisfaction for all the injuries they had done us, and to give up, in the most express terms, the unjust pretences they had set up against us in America, particularly that of searching and seizing our ships, on pretence of their having contraband goods on board.

To pretend, my lords, that we had then nothing to ask from Spain but a renewal and confirmation of former treaties, and reparation for our merchants, is very surprising. Had not the Spaniards, under colour of those very treaties, set up a right to search our ships in the American seas, and to seize them, if they found such goods on board as they were pleased to call contraband? Had not they, under colour of those very treaties, set up a right to exclude us from cutting logwood in the bay of Honduras? Had not they, under colour of those very treaties, set up a right to build forts which command, and consequently render useless a great part of Gibraltar? And could we suppose, that any of these pretended rights would be given up by a general renewal and confirmation of our former treaties? We ought, therefore, to have insisted upon their giving up every one of these pretended rights in the most explicit terms. If we had done this, and had made them severely smart for the injuries and insults they had put upon us, we might have trusted to stipulations for reparation and satisfaction; but when we shewed ourselves so fond of peace, as to sacrifice our undoubted rights, rather than to continue or push the war, could we expect they would shew the least regard to the stipulations they made with us? It is, therefore, astonishing to hear it now said, that we obtained, by the treaty of Seville, all we had to ask at that time from Spain: and that treaty's having been approved of by parliament, is of no weight in this debate; for it is not the first time we have seen a minister condemned in a following session for a treaty that has had the approbation of a preceding session of parliament?

But suppose, my lords, we were induced to accept of the treaty of Seville, by a belief that the Spaniards would perform the stipulations they had made with us, and that they would desist from the pretended rights they had set up against us, what was the reason of our sitting still after they refused, or most unreasonably delayed to perform any part of the stipulations they had made with us, and after we found, that they insisted upon and prosecuted their pretended rights with as much vigour as ever? This was the case before the war broke out between them and the emperor in 1733, which afforded us an excellent opportunity for compelling them to perform all the stipulations they had made with us, and to give up in the most express terms every pretended right they had set up against us. Whether we were obliged to assist the emperor in that war or no, surely we ought to have taken that opportunity for compelling Spain to do us justice. At that time, the court of Spain would have done us justice, if we had but insisted peremptorily upon it. But from the papers upon our table it appears, that we never once made a peremptory demand. This conduct it is impossible to account for any other way than by admitting, that our minister was afraid of doing any thing, or even of asking any thing that might give umbrage to the court of France. Instead of assisting our allies, and vindicating the

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rights of our country, we continued our perplexed negociations, without taking any one step that could be effectual, either for preserving the balance of power in Europe, or for putting an end to the encroachments that Spain had for so many years been making upon us.

I say, my lords, without taking any one step that could be effectual; for the preparations we made, and the expence we put ourselves to, had a quite contrary effect. The court of France, or any other court in Europe that desires to see the ruin of this nation, will always be glad to see us put ourselves to unnecessary expences, which every warlike preparation must be, when it is made before we have resolved to make use of it. Armies may be so soon raised, and squadrons may be so speedily fitted out in this kingdom, that, when any such are raised or fitted out, before we have immediate occasion for them, I shall always believe, and our natural enemies will suppose, it is done not to attack them, but to amuse our own people. Let us recollect what was done in king Charles the 2d's reign. The preparations he made, before and during the treaty of Nimeguen, put the nation to a vast expence; but had they any effect upon the court of France, against whom they were pretended to be made? No, my lords, that court were well assured that these preparations were made, not with a design to attack them, but to amuse our own people; and therefore, they were pleased with seeing us put ourselves to such a ridiculous expence. I hope this was not the case, with regard to the preparations we made during the late war between them and the emperor. But whatever may be in this, I am very certain it is not our preparations, but our resolutions that can have any effect upon the measures of any court in Europe; because, without the latter, the former can signify nothing, and when resolutions are taken, preparations may soon be made. It was not upon that occasion our preparations, nor, I believe, our resolutions, that set bounds to the views of France: it was their finding it impossible for them to succeed in their design upon Poland, and the Muscovite troops having obtained leave to march through the empire; for they then saw themselves in danger of being overpowered, by the armies brought from Muscovy and Poland to the assistance of the emperor.

This, my lords, must shew what an excellent opportunity we then had for adjusting, to our own satisfaction, all our differences with Spain; and for obtaining from them what securities or pledges we pleased to insist on, for their future good behaviour in the West Indies. I am surprized to hear it said, that the Spaniards had given us no new cause of complaint. Had not they searched, seized, and confiscated many of our ships, after the treaty of Seville, and before their attacking the emperor? Had not our merchants, the very next year after the treaty of Seville, brought new complaints upon that subject into parliament? And as to the orders sent by the king of Spain in 1732, to his governors in America, on which the noble lord was pleased to lay so great a stress, those very orders ought to have made us resolve upon a declaration of war. In these orders his catholic majesty commands his governors not to allow any of his subjects to molest or abuse English ships sailing in the American seas, 'so long as they keep in their proper distances, and are not concerned in any illicit trade.' Was not this, on the part of Spain, an express declaration against the freedom of our navigation in the American seas? Was it not an express declaration, that, notwithstanding the treaty of Seville, his catholic majesty would insist upon a right to search our ships in the American seas? Could we after this imagine, that he would ever, by fair means, give up that right? Suppose we had at that time had some reason to believe, that our commissaries might at last succeed in their negociation, yet, as the freedom of our navigation was of much greater consequence, than the paltry sum we had to expect from that negociation, upon such a declaration we ought to have recalled our commissaries from the court, and sent our squadrons to the coasts of Spain, with proper orders for compelling what our negociators had been so long begging for in vain.

This, my lords, was the case between Spain and us in 1732; and in 1733, when the war broke out between them and the emperor, it was no way mended; for the Spaniards continued to insist upon their right to confine our navigation in the West Indies, as appeared by their Cedula for restoring the ship Woolball, which ship was by that Cedula to be restored, 'unless taken in any suspected course of navigation.' This happened in the beginning of the year 1733; In the month of March of the same year, they committed a most heinous insult upon us, by attacking capt.

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Durell in his majesty's ship the Scarborough, and taking four of the English ships, then under his convoy, gathering salt at the island of Tortugas, though they had, by an express treaty in 1715, confirmed by the treaty of Seville, acknowledged our right to gather salt in that island. During that whole summer they not only continued their depredations upon us in the American seas, but insulted us in the Mediterranean, by searching our ships, and carrying away prisoners such Moors as they found on board, on pretence of their being enemies to Spain; and before the end of that year we perceived, or, I am sure, ought to have perceived, that the negociations of our commissaries would certainly end in nothing. Therefore I must suppose the noble lord did not attend to the transactions of those times, or that he has forgot them, otherwise he would not have said, that when the war broke out between Spain and the emperor, the Spaniards had given us no new cause of complaint, or that we had then reason to hope for a full reparation, as to all past injuries.

My lords, we had then no reason to hope for obtaining, by fair means, any reparation for the past, or any security for the time to come; and therefore it was a most amazing piece of conduct in us, not to embrace that opportunity for doing ourselves justice by force of arms. The weakness of this conduct could not at that time be perceived, especially by those who were willing to have a good opinion of every thing done by the minister, because they could not know the circumstances of the negociations between Spain and us, and therefore easily believed what was often confidently asserted, that we were in a fair way of obtaining all we could desire by negociation; but now it must appear to every man that examines even those papers our ministers have been pleased to lay before parliament, (for no papers have been called for, but what they agreed to) that from the very beginning, and especially towards the end of the year 1733, we had no reason to hope for obtaining any thing by negociation; and therefore every impartial man must now conclude, that it was extremely weak, to call it no worse, in our minister, to continue his negociations at a time when he could not but see, that they were vain, and at a time when he had so fair an opportunity for vindicating the rights and establishing, I shall not say restoring, the honour of his country.

A state of peace and tranquillity is, I shall most readily grant, a most desirable thing for any nation; but can a nation be said to be in a state of peace and tranquillity, that is every year at the expence of a state of war, and daily plundered and insulted by its neighbours? Has not this been the case of this nation for twenty years past? We have every year been keeping up great armies, and fitting out expensive squadrons, without being allowed to make use of those armies or squadrons, either for protecting ourselves, or for gaining such advantages, as we had reason to expect from an open war, and which might have atoned for the expence we were at, and the damage we met with. But suppose the public tranquillity had been preserved, can our minister be said to have done it, when no disturbance has, ever since his administration, happened in Europe, but what has been occasioned by his measures? Or can the political system of affairs in Europe be said to be no way changed, when by his measures a close correspondence has been restored between the courts of France and Spain, and a diffidence, if not discord, established between the house of Austria and its most natural allies. My lords, suppose the power of the house of Austria were no way diminished, nor that of the house of Bourbon increased, this very diffidence brings the balance of power into imminent danger; but it must be allowed, that the power of the house of Austria suffered a considerable diminution, and that of the house of Bourbon got a considerable addition by the issue of the last war; for the revenues of Tuscany, Parma, and Placentia, are far from being equal to those of the two Sicilies; and the duchy of Lorain is a very great addition to the power of France, not only by its situation, but by the addition it will make to the revenues of that formidable monarchy.

The French, it is true, had garrisons in the towns of Lorain, during the war in queen Anne's time, because the duke was not then in a condition to prevent it; but they had not even then the revenues of the duchy, and were obliged to draw away their garrisons at the peace. Whereas now they are to have the revenues as well as the fortified towns of that duchy, and will certainly improve both to the utmost; so that it will serve as a barrier for France against the empire, and as an inlet into Germany, whenever they have a mind to attack it; the direct contrary of which

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would have happened, if the duke of Lorain had come to be emperor; for he would have fortified and kept strong garrisons in all the towns of that duchy, which would have prevented the French from being able to surprize it; and this would have made it serve as a barrier for the empire against France, and as an inlet to France, in case of a war between the French and the Germans.

From these circumstances, my lords, without considering the addition made to the house of Bourbon by giving the two Sicilies to Don Carlos, it is plain, that the house of Austria was not so powerful at the time of the late emperor's death, as at any time for twenty years past, and the house of Bourbon was much more powerful than it had been at any time within that period, and much better united than it would have been, if proper measures had been taken by us for preventing that union. As to the emperor's death, its happening before any proper measures had been taken for settling the affairs of the empire, was certainly a very great misfortune to Germany, but I doubt much if it was a misfortune to this nation; for the court of Vienna was so much irritated against us, that I question if we could have got any assistance from thence, even though France had joined with Spain against us, and this the French would probably have done before now, if the emperor's death had not prevented it; but their attention is now so much fixt upon the advantages they may reap from that accident, that they must for some time neglect taking notice of what may happen between us and Spain. This, my lords, has prevented our being obliged to stand single and alone against the united power of France and Spain, and may procure us a formidable alliance, in case France should declare against us; but if we do not manage our future negociations better than we have done our past, this accident of the emperor's death may produce a war in Europe, more dangerous and expensive, than any this nation was ever engaged in; but whatever may be the future fate either of this nation, or of Europe, it is evident from what has been said in this debate, that the present unlucky situation of the affairs of Europe, is chiefly owing to our minister's having so long cultivated a close friendship with the court of France; and this, as I have said, must and ought to raise a suspicion, that his designs are not very favourable for the liberties of his country.

As to the other grounds of suspicion, especially those of a domestic nature, the answers made to most of them consist chiefly in a denial of facts, and as these facts are mostly of a public nature, I shall leave them to stand or fall by their own evidence; for I do not know what to say to those who deny, that any unnecessary or oppressive laws have been passed or attempted: that there are no suspicions of any corrupt practices in parliament or at elections: that the minister has not endeavoured to engross the ear of his sovereign; or that he has not assumed the disposal of any post or office but such as belong to his own department. I shall only observe, that those who are known to be friends to the minister, cannot expect information as to the suspicions entertained by the people, from any of those persons that are applying to them for favours. They must take other methods for information; and if they take the proper methods, they will find these suspicions so general, that if they have a true regard for his majesty, they must conclude, it is neither proper nor safe for him to have such a minister about him.

Upon this subject I shall therefore give your lordships no farther trouble; but there was a rule laid down by the noble lord that spoke last, or rather an exception to a general rule, which I must beg leave to take notice of. The noble lord admitted, that the king ought not to take notice of any gentleman's behaviour in parliament; but he made an exception which I cannot admit of. He said, the king might so far take notice of a gentleman's behaviour in parliament, as to turn him out of his service, if he there patronized any Jacobitish or republican schemes. My lords, this is an exception that totally destroys the rule; for every opposition to a minister's measures will by him be called a Jacobitish or republican scheme for distressing the administration. His majesty is to trust to his parliament; for while he does so, he will have no reason to be afraid of such schemes. The House itself would send any member to the Tower, that should dare to introduce any such scheme; and therefore, if the House takes notice of a gentleman's behaviour, his majesty ought not to believe, that it was either Jacobitish or republican. Even the noble lord who made this exception admits, that no such case has lately happened, but says, that his present majesty never dismissed any one from his service on account of his beha-

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viour in parliament. I shall not say he has; but several members both of this and the other House, have been dismissed for no other reason that could be guessed at; and as their dismission unluckily happened, just after their having opposed, in parliament, some favourite scheme of the very minister whose conduct is now under our consideration, the world will believe, that there was no other reason for dismissing them, and that this very minister was the person that gave such a pernicious advice to his sovereign.

This, my lords, was a belief more generally established in this nation than any other belief we have amongst us, long before he made the declaration that has been mentioned in this debate; but by that declaration he has made this belief certain, and has, in my opinion, made it inconsistent with the dignity of any lord in this House to give a negative to this question; for after that declaration, considering what has since happened, the world will suppose, that every negative to this question proceeds from the fear of losing, or the hopes of getting some post or pension from the crown. It will therefore be inconsistent with our dignity to put a negative upon this motion; and I am surprised to hear the noble and learned lord call it a severe sentence, or say that it is not consistent with our known justice and impartiality, to agree to this address, without first hearing the minister in his own defence. My lords, it is nothing like a sentence: in agreeing to such an Address we do not act in our judicative capacity: we act only as the great and supreme council of the nation, and as such we are obliged to give the best advice we can to our sovereign: for this reason, such addresses have generally been agreed to without hearing the minister concerned; because upon such occasions we are not to consider the guilt or innocence of the minister, but the safety of the crown and the interest of the nation; and in all cases where we think either of these immediately at stake, we ought to offer our advice, let the consequences be what they will.

I shall grant, my lords, that by our constitution his majesty is not peremptorily obliged to follow our advice upon this subject, no more than upon any other; but is this a reason for our not doing our duty? If we think, that his majesty's continuing an unpopular minister in his service, may alienate from him the hearts and affections of his people; if we think, that a minister has betrayed the interests of his country, either by his weakness or wickedness; is it not our duty, as his majesty's chief council, to advise him to dismiss such a minister? And shall we fail in our duty towards our sovereign, because we apprehend, that minister may have such an influence over him as to prevent his following our advice? My lords, I do not think it consistent with the respect we owe to our sovereign, to entertain any such apprehensions; and, I am sure, it would be no sign of affection or duty in a minister, to continue in his majesty's service, after either House of Parliament has addressed for his being removed. Therefore if we agree to this Address, we ought to suppose, either that the king, out of his wonted prudence, will remove the minister, or that the minister, out of his fidelity to his prince, will remove himself, by resigning all his employments, and retiring from his majesty's counsels and presence.

To pretend, my lords, that to remove a minister, would be an injury done him, unless he had done something to deserve being dismissed, is a very extraordinary sort of doctrine. Is not the king master of his servants; and has not every master a right to remove any one of his servants without assigning a reason? The parliament has a right to advise the king what servants he may employ, because they are employed in conducting the affairs of the nation; but no man has a right to be employed, or to continue in any employment not granted to him for life, or for a term of years; and the parliament's desiring the removal of any servant or minister, is as good a reason as the king can have for removing him. It would be a most pernicious advice to tell the king, that he ought to consider, whether the Address of his parliament be well or ill founded. But suppose the king should follow such pernicious advice, and deny the request of his parliament, this might, it probably would, and it ought to raise an animosity in both Houses of Parliament against the minister; but it could raise no animosity against the king; and I hope the parliament of Great Britain will always be able to pull any minister from behind the throne; for if it should not, that very inability would be a dissolution of our constitution, and therefore we should have no reason to apprehend the constitution's being brought into any danger by our making the experiment. If our happy constitution be yet entire, we may depend

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upon success: if it be already dissolved, we have nothing to fear: but by making the experiment, we have something to hope. because we may thereby restore our constitution. I am for the Address.

DEBATE IN THE LORDS ON LORD CARTERET'S MOTION FOR THE REMOVAL OF SIR ROBERT WALPOLE. *From the Gentleman's Magazine**.] Feb. 13. Lord *Carteret* began in this manner:

My lords; as the motion which I am about to make is of the highest importance and of the most extensive consequences; as it cannot but meet with all the opposition which the prejudices of some, and the interest of others, can raise against it; as it must have the whole force of ministerial influence to encounter, without any assistance but from justice and reason; I hope to be excused by your lordships for spending some time in endeavouring to show, that it wants no other support, that it is not founded upon doubtful suspicions, but upon uncontestable facts; that it is not dictated by private interest, but by the sincerest regard to public happiness; not abetted by the personal malevolence of particular men, but enforced by the voice of the people; a voice which ought always to be attended to, and generally to be obeyed.

To endeavour, my lords, to remove from places of public trust all those who appear to want either the virtues or abilities necessary for executing their offices, is the interest of every member of a community. And it is not only the interest but the duty of all those who are either by the choice of the people, or by the right of birth, invested with the power of inspecting public affairs, and entrusted with the general happiness of their country. That therefore every motive combines to make it the duty, and every argument concurs to prove it the privilege, of your lordships, is too evident to be doubted.

How often this privilege has been exerted by this House, and how often it has rescued our country from oppression, insolence, and rapine; how often our constitution has been re-animated, and impending ruin averted by it, a superficial acquaintance with history may inform us. And we are now called upon by the universal cry of the nation, and urged by the perplexed and uncertain state of our foreign affairs, and declension of our wealth, and attacks upon our liberties at home, to recollect these precedents of magnanimity and justice, and to make another effort for the relief of our country.

This House, my lords, has proceeded against ministers whose conduct they disapproved, by methods of greater or less severity, according to the necessity of affairs, or the supposed malignity of the crimes alleged against them; and therefore have sometimes thought it necessary to deter posterity from imitating them by rigorous censures and exemplary punishments, and sometimes have thought it sufficient to set the nation free from its distresses, without inflicting any penalties on those by whose misconduct they imagined them produced.

What were the more violent and vindictive methods of proceeding it is not necessary, with regard to this motion, to examine; since I shall only propose, that we should, in imitation of our predecessors in cases of this nature, humbly address his majesty to remove the minister from his presence and counsels.

Nothing, my lords, can be more moderate or tender than such an address, by which no punishment is inflicted, nor any forfeiture exacted. The minister, if he be innocent, if his misconduct be only the consequence of his ignorance or incapacity, may lay down in peace an office for which nature has not designed him, enjoy the vast profits of long employment in tranquillity, and escape the resentment of an unhappy people; who, when irritated to the highest degree, by a continuation of the same miscarriages, may, perhaps, in the heat of a more malevolent prosecution, not sufficiently distinguish between inability and guilt.

Those, therefore, among your lordships, that think him honest but mistaken, must willingly agree to a motion like this, as the best expedient to appease the people without the ruin of the minister. For surely no man who has read the history, or is acquainted with the temper, of this nation, can expect that the people will always bear to see honours, favours, and preferments, distributed by the direction of one universally suspected of corruption and arbitrary measures; or will look only with silent envy upon the affluence of those whom they believe to be made great by fraud and plun-

* Compiled by Dr. Johnson. This Debate is unaccountably omitted in Timberland's Collection; although "it was translated," says the editor of the Gentleman's Magazine, "into the Etat Politique de l'Europe, printed at the Hague, also into Spanish and High Dutch."

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der, swelled to insolence by the prosperity of guilt, and advanced to wealth and luxury by public miseries.

Such of your lordships who join with the people in ascribing our present unhappy state not to the errors, but to the crimes, of the minister, and who therefore think a bare removal not sufficient to satisfy the demands of justice, must doubtless give their consent to the motion, for the sake of obtaining proper evidence of his wickedness, which cannot be expected while he stands exalted in prosperity, and distributes the riches of the nation, and the gifts of his sovereign at his own choice; while he is in possession of every motive that can influence the mind, enforce secrecy, and confirm fidelity; while he can bribe the avaricious, and intimidate the fearful; while he can increase the gratification of luxury, and enlarge the prospects of ambition. For, my lords, if it be considered from whom this evidence must be drawn, it will soon appear that no very important discoveries can be made, but by those whom he has entrusted with his secrets, men whose disregard of virtue recommended them to his favour, and who, as they are moved only by interest, will continue faithful while they can hope for recompence; but may, perhaps, be willing to buy their own security by sacrificing their master, when they shall see no farther prospect of advantage from serving him, or any other method of escaping punishment.

But, my lords, all must allow this motion to be reasonable, whatever they think of the minister's conduct, who are of opinion that a free people have a right of complaining when they feel oppression, and of addressing the crown to remove a minister that has incurred universal detestation.

That such is the condition of the present minister, I believe, will scarcely be denied; or may be discovered by those who find themselves inclined to doubt it, by asking any man whom they shall accidentally meet, what are his sentiments on the situation of national affairs, and of the hands by which they are administered. What answer he will receive is well known to most of your lordships. Let him not be satisfied with a single suffrage; let him repeat the question to ten thousand persons, different in their ages, their conditions, and religious opinions, in every thing that produces contrariety of dispositions and affections, he will yet find them unanimous in complaining of public misconduct, and in censuring one gentleman as the author of it.

Let us not imagine, my lords, that these accusations and murmurs are confined to the lowest class of the people, to men whose constant attention to more immediate distresses hinders them from making excursions beyond their own employments. For though perhaps it might be made evident from the accounts of past times, that no general dissatisfaction, even among men of this rank, was ever groundless; though it might be urged that those who see little can only clamour, because they feel themselves oppressed; and though it might not unseasonably be hinted that they are at least formidable for their numbers, and have sometimes executed that justice which they had not interest to procure, and trampled upon that insolence that has dared to defy them; yet I shall not insist upon such motives, because it is notorious that discontent is epidemical in all ranks, and that condition and observation are far from appeasing it.

Whether the discontent thus general is groundless, whether it is raised only by the false insinuations of the disappointed and the wicked arts of the envious, whether it is, in exception to all the maxims of government, the first dislike of an administration that ever overspread a nation without just reasons, deserves to be enquired into.

In this enquiry, my lords, it will be necessary to consider not only the state of domestic affairs, increase or diminution of our debts, the security or violation of our liberties, the freedom or dependence of our senates, and the prosperity or declension of our trade, but to examine the state of this nation with regard to foreign powers; to enquire, whether we are equally feared and equally trusted now as in former administrations; whether our alliances have contributed to secure us from our inveterate and habitual enemies, or to expose us to them; whether the balance of Europe be still in our hands; and whether, during this long interval of peace, our power has increased in the same proportion with that of our neighbours.

France, my lords, is the constant and hereditary enemy of Britons, so much divided from her in religion, government, and interest, that they cannot both be prosperous together; as the influence of one rises, that of the other must by consequence decline. Alliances may form a temporary show of friendship, but it cannot continue: for their situation produces a natural rivalship, which every accidental

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circumstance has contributed to increase. Long wars for many reigns after the Conquest established a radical and insuperable hatred between us; nor did those wars cease till the Reformation produced new occasions of jealousy and aversion. France was by these reasons obliged for many ages to employ all her influence and policy in strengthening herself against us, by treaties and alliances; and in our times has given us a new reason for jealousy by extending her commerce, and improving her manufactures.

It has been, therefore, my lords, the settled principle of every wise administration, of every Briton whose opinions were not regulated by some other motives than those of reason, to attend with the highest degree of vigilance to all the designs of the French, and oppose with incessant diligence every attempt to increase their force, or extend their influence, and to check their conquests, obstruct their alliances, and forestal their trade.

For this great end it has been our constant endeavour to support the house of Austria, whose large dominions and numerous forces make a counter-balance on the continent to the power of France. For this end we entered into a long war, of which we still languish under the consequences, squandered the lives of our countrymen, and mortgaged the possessions of our posterity. For failing in the prosecution of this purpose, for leaving France too formidable, and neglecting the interests of the emperor, was the treaty of Utrecht censured, and the authors of it prosecuted, by the present minister; but how much he has improved the errors of his predecessors to his own advantage, how diligent he has been to rectify the miscarriages of their conduct, and supply the defect, I shall endeavour to explain.

It is well known, my lords, that during the regency of the duke of Orleans, we had nothing to apprehend from French machinations; his interest, a tye which that nation is seldom found to break, held him steady to his engagements with us; nor is it less known how much he distrusted Spain, and how little by consequence he favoured her. We had at that time no necessity of anxiously attending to every whisper of the French court, which was sufficiently engaged in regulating their domestic affairs, and repairing the ruins of a destructive war; but, my lords, we ought to observe, that it had been happy for us had our minister laboured with equal address at the same employment.

After the death of this duke, the affairs of France were restored to their former situation, her old schemes were revived, her ancient alliances cultivated, and her general interest pursued. Spain was again considered as the power which had the same views with her, and which could never rival, but might always assist her.

This alliance, my lords, was intended to have been unalterably confirmed by a marriage, but as no human policy can form measures certain of success, an irreconcileable hatred was nearly produced by the measure intended to confirm a settled and indissoluble friendship. The infanta was sent back after her arrival in France, an affront which no nation would soon have forgot, but which the general character and habitual sentiments of the Spaniards inclined them to resent beyond any other people. To any one acquainted with their character in this respect, it will readily appear, that no other insult or injury could so sensibly affect them, or excite so eager a desire of revenge. This, my lords, the sagacity of our minister should have discovered: this opportunity should have been improved with the utmost care, by which Spain and France might possibly have been disunited for ages, and Britain have gained such advantages as would have made her the sole arbitress of Europe.

The Spaniards were not deficient on their side, nor did they neglect to court our friendship, but gave us the highest proof of their confidence by offering us the sole mediation of their differences with the emperor of Germany; but at this time it was, that the gentleman whose conduct I am examining, obtained the chief influence in our counsels, and by his peculiar penetration discovered, that nothing was to be done which might give the least offence to the French. We therefore refused to mediate, unless French ministers might be associated with ours, which the Spaniards had too much spirit to consent to.

Thus, my lords, was neglected the first opportunity of forming against the French an alliance by which they might have been awed in all their designs, and by which the peace of Europe might have been long preserved.

The Spaniards, finding that we would not undertake to reconcile their differences with the emperor of Germany, and continuing their abhorrence of French mediators, concluded, without the intervention of any other power, a treaty both of peace and alliance with his imperial majesty,

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This, my lords, was the famous treaty of Vienna, the source of so many projects and expedients, of so much terror and solicitude, of such immense expences and perplexed negociations. This treaty, a paper innocent and well-meaning, which related only to the contracting parties, kept for some time this nation in alarms, in apprehensions of conspiracies, and expectations of invasions.

To this treaty, had we singly regarded our own affairs, without applying to France for instructions, we ought to have acceded, by which we should have divided the interests of the house of Bourbon, broken the combination of these pontifical powers, and, by improving one lucky incident, obtained what our arms and our politics had never hitherto been able to accomplish.

But the French, sensible of their danger, and well acquainted with our minister, contrived an expedient which indeed would not often have succeeded, but which was so well adapted to the intellects of this gentleman that it extricated them from all their difficulties.

They told us, my lords, and, what is yet more wonderful, they prevailed upon us to believe, that in this dreadful treaty of Vienna, it was stipulated between the German emperor and Spain, that they should employ their joint forces against Britain, that they should exalt the Pretender to the throne, take immediate possession of Gibraltar, and without mercy debar us for ever from our trade both in Spain and in the Western Indies. This his late majesty was advised to assert in his speech from the throne of the 20th of January 1726, which I desire may be read. [The Speech was accordingly read, see vol. 8, p. 492.]

Who would not have been terrified, my lords, at a treaty like this? our religion was to be destroyed, our government subverted, and our trade reduced to nothing. What could a ministry thus intimidated do, but resign themselves implicitly to the direction of a kind neighbour that promised to shelter them from the storm?

There have been ministers, my lords, in former times, who, upon hearing such a representation, would have considered, that Britain was an island, that the Pretender could not be forced upon us without an army, and that an army could not be transported without ships, that the emperor of Germany had neither navies nor ports, that Gibraltar might be easily supplied with every thing requisite for its defence, and that any attempt made by Spain to injure our trade, might easily be punished by intercepting their Plate-fleets.

They would then have considered whether attempts so improbable, and stipulations so absurd and ridiculous, ought to be credited upon the information of an ambassador's secretary, who, as he proposed to reveal his master's secrets for a bribe, might as probably take another reward for imposing upon those whom he pretended to inform. Those, therefore, who advised his majesty to assert to the parliament what they knew from no better authority, those whose daring insolence could make their sovereign instrumental in alarming the people with false terrors, and oppressing them with unnecessary burthens, well deserve to feel a parliamentary censure.

But our ministers, my lords, were too much frighted to make such reflections; they imagined that destruction was hanging over us, and, in a dread of arbitrary government, oppression, and persecution, concluded at Hanover a treaty with the French.

Thus the French gained our confidence, and raised in us a distrust of both the powers with whom it was our interest to be united; but the alliance of the emperor of Germany with Spain made them still uneasy: and therefore they determined once more to make our credulity instrumental in procuring a reconciliation between them and the Spaniards.

To effect this, they kindly gave us intelligence, that when the Spaniards should receive their treasure from the Western Indies, they designed to employ it in favour of the Pretender, and that therefore it was necessary to intercept it. This advice was thankfully listened to, a fleet was fitted out, and thousands were sacrificed without any advantage; for the French not only forbore to assist us in the expedition, but forbade us to seize the treasure when we had found it.

The Spaniards, apprehending themselves attacked, omitted no opportunity of showing their resentment; they seized our ships, and laid siege to Gibraltar, while our new allies looked quietly on, and expected the event of their own scheme, which was far from being defeated by our policy; for the Spaniards, finding the return of their American revenues insuperably obstructed, and knowing that the emperor of Germany, that emperor who was to invade Britain, had not any power even to assist them, were obliged to have recourse to the na-

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tion which they then hated, and to forgive the past affront, that they might obtain their good offices in this exigence.

But, my lords, it was not sufficient for the designs of the French, that they had recovered their ancient allies the Spaniards, unless they could disunite them from the emperor of Germany; this it was likewise our interest to prevent, and yet this likewise we enabled them to effect; for they prevailed upon us to promise in our stipulations with the Spaniards, what they had not the least claim to demand, that Spanish, instead of neutral troops, should be introduced into Italy, to secure certain successions there to a son of the queen of Spain.

With what reluctance the emperor of Germany would consent to see troops placed in the provinces bordering upon his dominions, which would certainly on the first occasion be employed to invade them, it was easy to foresee, and with what degree of good-will he would regard those by whom they were introduced; yet, my lords, such was the influence of France, and so ardent our desire of diverting Spain from setting the Pretender upon the throne of Britain, that we complied at all events, without any prospect or promise of advantage.

Thus were the Spaniards, by being persuaded to make this demand, and we by granting it, brought equally to ill terms with the emperor of Germany; and France was, by procuring such agreeable conditions to the Spaniards, again considered as their most useful ally.

That nation, my lords, is in a very unhappy state, which is reduced to admit such terms as mediators are pleased to prescribe. We durst not refuse the introduction of Spanish troops, nor durst we introduce them without the emperor of Germany's consent, which, however, he granted at an easy rate, for he demanded only that we should become guarantees of the Pragmatic Sanction. This we gladly agreed to, and thought ourselves so happy in purchasing so cheaply an opportunity of ingratiating ourselves with Spain, that we desired no other recompence.

This treaty with the emperor of Germany was, however, by no means improper, nor could we, after the errors which had been committed, do any thing more effectual to preserve the balance of Europe, and re-establish our credit.

But, my lords, this only treaty, which it was for our interest to make, seems to have been made without any intention of observing it; for about this time all the northern powers were alarmed by the approaching election of Poland, and every nation that had any thing either to hope or fear from the event of it, endeavoured to influence it.

How this election was determined, my lords, and by what means, it is unnecessary to relate; but it may not be improper to remark, that whatever cause we may have to congratulate ourselves upon the choice, it does not appear that we had any part in promoting it. Nay, as it is not common for ministers to keep the best part of their conduct secret, there is reason for suspecting that they were not altogether without foundation reported to have favoured France.

The emperor of Germany, sensible of his own interest, promoted the election with vigour and resolution, proportioned to the greatness of the danger that might have arisen from neglecting it. By this conduct he drew upon himself the resentment of the French, who had now a pretence for taking measures which might effectually re-unite them to Spain, and as the event showed, alienate us from the emperor, and therefore, in vindication of the claim of Stanislaus, declared war upon Germany, in conjunction with Spain.

Now, my lords, the emperor learned to set the true value upon his alliance with Britain, and all Europe had an opportunity of remarking our spirit, our power, and our vigilance. The troops which we prevailed upon his imperial majesty to admit into Italy, were now drawn out of the garrisons against him, his dominions were attacked on each side by formidable enemies, and his British allies looked with tranquillity and unconcern upon the difficulties into which they had betrayed him. The liberties of Europe were endangered by a new combination of the houses of Bourbon; and Britain, the great protectress of the rights of mankind, the great arbitress of the balance of power, either neglected or feared to interpose.

Of the event of the war, my lords, I need only observe, that it added new strength to France, and contributed to such an union between her and Spain, as the most artful politician cannot hope to dissolve.

Thus, my lords, whether by negligence, ignorance, cowardice, or treachery, it is not easy to determine, we were made the instruments of the French policy. Thus

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was that power enabled by our assistance to retrieve all that she had lost by the ill success of her arms, and by her indecent and contemptuous treatment of Spain. Thus was the German emperor dispirited and weakened; thus were we deprived at once of our allies and our reputation.

Our loss of reputation, the greatest loss that bad measures can bring upon a nation, is made evident beyond controversy, by the insolence with which the Spaniards have treated us while we were flattering, enriching, and supporting them. While we were fitting out squadrons to convey their princes to Italy, and encreasing their dominions at our own expence, they seem to have considered our good offices not as the benefits of friends, but the drudgery of slaves, and, therefore, could scarcely refrain from insults while they employed us, at least when they no longer wanted our immediate assistance. They renewed their contempt and cruelty, their robberies and oppressions; they prescribed laws to our navigation, and laid claim to our colonies.

To these ravages and injuries what did we oppose? What but humble entreaties, pacific negociations, and idle remonstrances? Instead of asserting our just claims and incontestable possessions, instead of preventing war by threatening it, and securing ourselves from a second injury by punishing the first, we amused ourselves with enquiries, demands, representations, and disputes, till we became the jest of that nation, which it was in our power to distress, by intercepting their treasure, and to reduce to terms almost without bloodshed.

Thus, my lords, did we proceed: new questions ever arose, and the controversy became more intricate; commissaries were dispatched to Spain, who returned without obtaining either restitution or security, and in the mean time no opportunity was neglected of plundering our merchants and insulting our flag: accounts of new confiscations and of new cruelties daily arrived, the nation was enraged and the parliament itself alarmed, and our ministers, at length awakened from their tranquillity, sent orders to the envoy at the Spanish court to expedite an accommodation; these directions were immediately obeyed, and produced the celebrated Convention.

What was given up or what was endangered by this detestable treaty, your lordships have often had occasion to observe, and the consequences of it were so obvious, that the nation was astonished. Every man saw, that we were either treacherously betrayed by our own ministry, or that the ministers were almost the only men in the kingdom utterly unacquainted with our claims, our injuries, and our danger.

A war could now no longer be avoided; it was not in the power of the ministry any longer to refuse to send out our fleets, and make an appearance of hostile measures; but they had still some expedients remaining to shelter the Spaniards from our resentment, and to make their country yet more contemptible: they could contrive such orders for their admirals as should prevent them from destroying their enemies with too little mercy; and if any one was suspected of intentions less pacific, there were methods of equipping his fleet in such a manner as would effectually frustrate his schemes of revenge, reprisals, and destruction.

These, my lords, are not the murmurs of the disappointed, nor the insinuations of the factious; it is well known to our countrymen and to our enemies, how ill admiral Vernon was furnished with naval and military stores, and how little his importunate demands of a supply were regarded. What opportunities were lost, and what advantages neglected, may be conjectured from the success of his inconsiderable force. A very little reflection on the situation and state of those countries will easily satisfy your lordships, how far a small body of land forces might have penetrated, what treasures they might have gained, and what consternation they might have spread over the whole Spanish America.

That our squadrons in the Mediterranean have been at least useless, that they have sailed from point to point, and from one coast to another, only to display the bulk of our ships, and to show the opulence of our nation, can require no proof: I wish, my lords, there was less reason for suspecting that they acted in concert with our enemies, that they retired from before their ports only to give them an opportunity of escaping, and that they in reality connived at some attempts which they were in appearance sent to prevent.

There are some miscarriages in war, my lords, which every reasonable man imputes to chance, or to causes of which the influence could not be foreseen; there are others that may justly be termed the consequences of misconduct, but of misconduct involuntary and pardonable, of

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a disregard perhaps of some circumstances of an affair produced by too close an attention to others. But there are miscarriages too for which candour itself can find no excuses, and of which no other causes can be assigned than cowardice or treachery. From the suspicion of one, the past actions of the admiral who commands our fleet in those seas will secure him; but I know not whether there are now any that will attempt to clear the minister's character from the imputation of the other.

All the insolence of the Spaniards, a nation by no means formidable, is the consequence of the re-union of the houses of Bourbon; a re-union which could not easily have been accomplished but by the instrumental offices of our ministry, whom, therefore, the nation has a right to charge with the diminution of its honour, and the decay of its trade.

Nor has our trade, my lords, been only contracted and obstructed by the piracies of Spain, but has been suffered to languish and decline at home, either by criminal negligence, or by their complaisance for France, which has given rise to our other calamities. The state of our woollen manufactures is well known, and those whose indolence or love of pleasure keeps them strangers to the other misfortunes of their country, must yet have been acquainted with this, by the daily accounts of riots and insurrections, raised by those who, having been employed in that manufacture, can provide for their families by no other business, and are made desperate by the want of bread.

We are told, my lords, by all parties, and told with truth, that our manufactures decline, because the French have engrossed most of the foreign markets; and it is not denied even by those whose interest it might be to deny it, that the cloth which they ruin us by vending, is made of our own wool, which they are suffered to procure either by the folly of an unskilful, or the connivance of a treacherous administration.

If our own manufactures, my lords, had been carefully promoted, if the whole influence of our government had been made to co-operate with the industry of our traders, there had always been such a demand for our wool, that they could not have afforded to purchase it at a price equivalent to the danger of exporting it: and if any means were now steadily practised to prevent the exportation, our trade must consequently revive, because cloth is one of the necessaries of life, which other nations must have from Britain when France can no longer supply them.

But, my lords, notwithstanding the decay of trade, our expences have never been contracted; we have squandered millions in idle preparations, and ostentatious folly; we have equipped fleets which never left the harbour, and raised armies which were never to behold any other enemy than the honest traders and husbandmen that support them. We have indeed heard many reasons alleged for oppressing the empire with standing troops, which can have little effect upon those who have no interest to promote by admitting them: sometimes we are in danger of invasions, though it is not easy to imagine for what purpose any prince should invade a nation, which he may plunder at pleasure, without the least apprehension of resentment, and which will resign any of its rights whenever they shall be demanded; sometimes, as we have already heard, the Pretender is to be set upon the throne by a sudden descent of armies from the clouds; and sometimes the licentiousness and disobedience of the common people require the restraint of a standing army.

That the people are to the last degree exasperated and inflamed, I am far from intending to deny, but surely they have yet been guilty of no outrage so enormous as to justify so severe a punishment; they have generally confined themselves to harmless complaints, or at least to executions in effigy. The people, my lords, are enraged because they are impoverished; and, to prevent the consequences of their anger, their poverty is increased by new burthens, and aggravated by the sight of an useless despicable herd, supported by their industry, for no other purpose than to insult them.

By these useless armaments and military farces, our taxes, my lords, have been continued without diminishing our debts, and the nation seems condemned to languish for ever under its present miseries, which, by furnishing employment to a boundless number of commissioners, officers, and slaves to the court under a thousand denominations, by diffusing dependence over the whole country, and enlarging the influence of the crown, are too evidently of use to the minister, for us to entertain any hopes of his intention to relieve us.

Let it not be boasted that nine millions

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are paid, when a new debt of seven millions appears to be contracted; nothing is more easy than to clear debts by borrowing, or to borrow when a nation is mortgaged for the payment.

But the weight of the present taxes, my lords, though heavier than was perhaps ever supported by any nation for so long a time, taxes greater than ever were paid to purchase neither conquests nor honours, neither to prevent invasions from abroad nor to quell rebellions at home, is not the most flagrant charge of this wonderful administration, which not contented with most exorbitant exactions, contrives to make them yet more oppressive by tyrannical methods of collection. With what reason the author of the excise scheme dreads the resentment of the nation, is sufficiently obvious; but surely, in a virtuous and benevolent mind, the first sentiments that would have arisen on that occasion, would not have been emotions of anger but of gratitude. A whole nation was condemned to slavery, their remonstrances were neglected, their petitions ridiculed, and their detestation of tyranny treated as disaffection to the established government; and yet the author of this horrid scheme riots in affluence and triumphs in authority, and, without fear as without shame, lifts up his head with confidence and security.

How much, my lords, is the forbearance of that people to be admired, whom such attacks as these have not provoked to transgress the bounds of their obedience; who have continued patiently to hope for legal methods of redress, at a time when they saw themselves threatened with legal slavery; when they saw the legislative power, established only for their protection, influenced by all possible methods of corruption to betray them to the mercy of the ministry?

For, that corruption has found its way into one of the Houses of the legislature, is universally believed, and without scruple maintained by every man in the nation, who is not evidently restrained from speaking as he thinks; and that any man can even be of a different opinion, that any man can even affirm that he thinks otherwise, would be, in any other age, the subject of astonishment. That an immense revenue is divided among the members of the other House, by known salaries and public employments, is apparent; that large sums are privately scattered on pressing exigencies, that some late transactions of the ministry were not confirmed but at a high price, the present condition of the civil list, a civil list vastly superior to all the known expences of the crown, makes highly probable. That the Commons themselves suspect the determinations of their assembly to be influenced by some other motives than justice and truth, is evident from the bill this day sent hither for our concurrence;* and surely no aggravation can be added to the crimes of that man who has patronized our enemies, and given up our navigation, sunk his country into contempt abroad, and into poverty at home, plundered the people, and corrupted the legislature.

But, my lords, the minister has not only contributed by his wickedness or his ignorance to the present calamities, but has applied all his art and all his interest to remove from posts of honour and trust, to banish from the court, and to exclude from the legislature, all those whose counsels might contribute to restore the public affairs, without any regard to the popularity of their characters, the usefulness of their talents, or the importance of their past services to the crown. Had any of these considerations prevailed, we had not seen the greatest general in Britain dispossessed of all his preferments, dispossessed at a time when we are at war with one nation, and in expectation of being attacked by another, far more powerful, which will doubtless be encouraged, by his removal, to more daring contempt, and more vigorous measures.

What were the motives of this procedure, it is easy to discover. As his open defence of the present royal family in the late rebellion exempts him from the imputation of being disaffected to the crown, the only crime with which he can be charged is disaffection to the minister.

Perhaps, my lords, the minister may have determined to have no need of generals in his transactions with foreign powers; but in proportion as he relies less upon the sword, he must depend more upon the arts of peaceable negociation; and surely there has been another person dismissed from his employments, whose counsels it had been no reproach to have asked, and to have followed.

The nature of my motion, my lords, makes it not necessary to produce evidence of these facts, it is sufficient that any minister is universally suspected; for when

* The Place Bill.

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did an innocent man, supported by power, and furnished with every advantage that could contribute to exalt or preserve his character, incur the general hatred of the people? But if it could ever happen by a combination of unlucky accidents, what could be more for the happiness of himself, his master, and the nation, than that he should retire and enjoy the consciousness of his own virtue?

His own interest in such a retirement I have already considered, and that of both the prince and the people is no less apparent: while a hated minister is employed, the king will always be distrusted by the nation, and surely nothing can so much obstruct the public happiness, as a want of confidence in those who are entrusted with its preservation.

That common fame is in this case sufficient, will not be questioned, when it is considered that common fame is never without a foundation in facts, that it may spread disquiet and suspicion over all the kingdom, and that the satisfaction of millions is very cheaply purchased by the degradation of one man, who was exalted only for their benefit.

The objection, that there is no sole minister, will create no greater difficulty; if there be many concerned in these transactions, *respondeat superior:* but it is too apparent that there is in reality one whose influence is greater than that of any other private man, and who is arrived at a height not consistent with the nature of the British government; it is uncontested that there is one man to whom the people impute their miseries, and by whose removal they will be appeased.

The affairs of Europe, my lords, will probably be so much embarrassed, and the struggles between the different designs of its princes be so violent, that they will demand all our attention, and employ all our address, and it will be to the highest degree dangerous to be distracted at the same time with apprehensions of domestic troubles; yet such is the present unhappy state of this nation, and such is the general discontent of the people, that tranquillity, adherence to the government, and submission to the laws, cannot reasonably be hoped, unless the motion I shall now take leave to make your lordships, be complied with: And I move, "That an humble "Address be presented to his majesty, "most humbly to advise and beseech his "majesty, that he will be most graciously "pleased to remove the right hon. sir "Robert Walpole, knight of the most "noble order of the garter, first commissioner of his majesty's treasury, "and chancellor of the exchequer, and "one of his majesty's most honourable "privy council, from his majesty's presence and councils for ever."

Lord *Abingdon:*

My lords; the copiousness and perspicuity with which the noble lord has laid down the reasons of his motion, make it neither easy nor necessary to enlarge upon them. I shall therefore only offer to your lordships a few thoughts upon the authority of common fame, as the evidence upon which the motion is in part founded.

That all the miscarriages of our late measures are by common fame imputed to one man, I suppose, will not be denied; nor can it in my opinion, be reasonably required, that in the present circumstances of things any other proof should be brought against him.

Common fame, my lords, is admitted in courts of law as a kind of auxiliary or supplemental evidence, and is allowed to corroborate the cause which it appears to favour. The general regard which every wise man has for his character, is a proof that in the estimation of all mankind, the testimony of common fame is of too great importance to be disregarded.

If we consider the nature of popular opinions on public affairs, it will be difficult to imagine by what means a persuasion not founded on truth should universally take possession of a people; it will be yet more difficult to believe that it should preserve its empire, and that in opposition to every art that can be made use of to undeceive them, they should pertinaciously adhere to an error not imbibed in their education, nor connected with their interest. And how has any man been originally prejudiced against the present minister? or what passion or interest can any man gratify, by imagining or declaring his country on the verge of ruin? the multitude, my lords, censure and praise without dissimulation, nor were ever accused of disguising their sentiments; their voice is at least the voice of honesty, and has been termed the voice of heaven by that party of which those affect to be thought whom it now condemns.

Let it not be urged, that the people are easily deceived, that they think and speak merely by caprice, and applaud or condemn without any calm enquiry or settled

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determination; these censures are applicable only to sudden tumults, and gusts of zeal excited by fallacious appearances, or by the alarms of a false report industriously disseminated, but have no relation to opinions gradually propagated and slowly received.

If the credulity of the people exposes them to so easy an admission of every report, why have the writers for the minister found so little credit? why have all the loud declamations and the laboured arguments, the artful insinuations, and positive assertions, which have been for many years circulated round the nation, at the expence of the government, produced no effect upon the people, nor convinced any man who was not apparently bribed to resign his private opinion to that of his patrons? whence comes it, my lords, that falshood is more successful than truth, and that the nation is inclined to complain rather than to triumph? It is well known that the people have been charged in all former ages, with being too much dazzled by the glitter of fortune, and the splendour of success, and bestowing their applauses not according to the degrees of merit, but prosperity. The minister, my lords, has defeated his opponents in almost all their attempts; his friends have sounded victory every session, and yet the people declare against him; his adversaries have retired into the country with all the vexation of disappointment, and have been rewarded for their unsuccessful efforts with general acclamations. What is it, my lords, but the power of truth, that can preserve the vanquished from ridicule, and influence the nation to believe them the only patrons of their commerce and liberty, in opposition to all the writers and voters for the minstry?

If we consult history, my lords, how seldom do we find an innocent minister overwhelmed with infamy? innocent men have sometimes been destroyed by the hasty fury, but scarcely ever by the settled hatred, of the populace. Even that fury has generally been kindled by real grievances, though imputed to those who had no share in producing them: but when the tempest of their first rage has subsided, they have seldom refused to hear truth, and to distinguish the patriot from the oppressor.

But though it should be acknowledged, my lords, that the people have been blinded by false representations, and that some causes yet undiscovered, some influence which never has been known to operate in any state before, hinder them from beholding their own felicity; yet as public happiness is the end of government, and no man can be happy that thinks himself miserable, it is in my opinion necessary to the honour of his majesty, and to the tranquillity of the nation, that your lordships should agree to the present motion.

The Duke of *Newcastle*:

My lords; it is not without wonder that I hear a motion so uncommon and important, a motion which may be reasonably supposed to have been long premeditated, and of which such affecting expectations have been raised, so weakly supported by evidence. I cannot think that any other attestation is needful for the vindication of the right hon. gentleman, whose conduct is this day to be examined, than the declaration of the noble lord, that there appears no positive evidence against him.

The pretence that no evidence can be expected while he continues in his present station, is too openly fallacious to impose upon your lordships; for why should his influence be greater, and his power less resistible, than that of other ministers, who are well known to have found accusers in the height of their authority, and to have been dragged to punishment almost from behind the throne?

It is sufficiently known, that during the continuance of this administration, many have been dismissed from their employments, who appear not altogether unaffected with the loss, and from whose resentment a discovery of wicked measures might be reasonably expected, as their acquaintance with the secrets of the government must have given opportunities of detecting them. If, therefore, no particular crimes are charged upon him, if his enemies confine themselves to obscure surmises, and general declamations, we may reasonably conclude, that his behaviour has been at least blameless. For what can be a higher encomium than the silence of those who have made it the business of years to discover something that might be alleged against him on the day of trial?

I suppose that no man can question the penetration of those noble lords who have opened this debate; and I, my lords, shall be very far from insinuating that cowardice suppresses any of their sentiments. As the highest reproach that can be thrown upon any man, is to suggest that he speaks what he does not think, the next degree of

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meanness would be to think what he dares not speak, when the public voice of his country calls upon him.

When therefore popular reports are alleged as the foundation of the address, it is probable that it is not founded in reality upon known crimes or attested facts, and if the sudden blasts of fame may be esteemed equivalent to attested accusations, what degree of virtue can confer security?

That the clamour is so loud and so general as it is represented, I can discover no necessity of admitting; but however the populace may have been exasperated against him, we are surely not to be influenced by their complaints, without enquiring into the cause of them, and informing ourselves whether they proceed from real hardships, unnecessary severities, and calamities too heavy to be borne, or from caprice and inconstancy, idle rumours and artful representations.

I very readily allow, my lords, that nothing has been left unattempted that might fill the people with suspicion and discontent. That inevitable calamities have been imputed to misconduct, or to treachery, and even the inconstancy of the winds and severity of the weather charged upon the right hon. gentleman, the daily libels that are in every man's hand, are a standing evidence; and though I should grant that the people never complain without cause, and that their burthens are always heavy before they endeavour to shake them off, yet it will by no means follow, that they do not sometimes mistake the cause of their miseries, and impute their burthens to the cruelty of those whose utmost application is employed to lighten them.

Common fame is therefore, my lords, no sufficient ground for such a censure as this, a censure that condemns a man long versed in high employments, long honoured with the confidence of his sovereign, and distinguished with the friendship of the most illustrious persons in the nation, to infamy and contempt, unheard, and even unaccused; for he against whom nothing is produced but general charges, supported by the evidence of common fame, may be justly esteemed to be free from accusation.

That other evidence will appear against him when he shall be reduced, in consequence of our agreeing to this motion, to the level with his fellow subjects, that all informations are now precluded by the terrors of resentment, or the expectations of favour, has been insinuated by the noble lord who made the motion: whether his insinuation be founded only upon conjecture, whether it be one of those visions which are raised by hope in a warm imagination, or upon any private informations communicated to his lordship, I pretend not to determine; but if we may judge from the known conduct of the opposition, if we consider their frequent triumphs before the battle, and their chimerical schemes of discoveries, or prosecutions and punishments, their constant assurance of success upon the approach of a new contest, and their daily predictions of the ruin of the administration, we cannot but suspect that men so long accustomed to impose upon themselves, and flatter one another with fallacious hopes, may now likewise be dreaming of intelligence which they never will receive, and amusing themselves with suspicions which they have no reasonable expectation of seeing confirmed.

And to confess the truth, my lords, if I may be allowed, in imitation of these patrons of their country, to indulge my own imagination, and presume to look forward to the future conduct of those who have exerted such unwearied industry in their attempts upon the administration, and so long pursued the right hon. gentleman with enquiries, examinations, rhetoric, and ridicule, I cannot but find myself inclined to question whether, after their motion shall have been received in this House, and their petition granted by his majesty, they will very solicitously enquire after evidence, or be equally diligent in the discovery of truth, as in the persecution of the minister.

I am afraid, my lords, that they will be too deeply engaged in the care of making a dividend of the plunder in just proportions, to find leisure for pursuit of the enemy, and that the sight of vacant posts, large salaries, and extensive power, will revive some passions, which the love of their country has not yet wholly extinguished, and leave in their attention no room for deep reflections, and intricate inquiries. There have formerly, my lords, been patriots, who, upon a sudden advancement to a place of profit, have been immediately lulled into tranquillity, learned to repose an implicit confidence in the ministers, forgotten to harangue, threaten, enquire, and protest, and spent the remaining part of their lives in the harmless amusement of counting their salaries, perquisites, and gratuities.

How great, my lords, would be the disappointment of the people, that unhappy

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people which has been long neglected and oppressed, which so justly detests the minister, and calls so loudly for vengeance, when they shall see their defenders remit the vigour of the pursuit, when once the minister flies before them, and instead of driving him into exile, contend about his places!

Unhappy then surely, my lords, would the nation be: the administration, we are told, is already universally abhorred, and its hope is only in the opposition; but should the zeal of the patriots once grow cold, should they discover to the public, that they have been labouring not for general liberty, but for private advantage; that they were enemies to power only because it was not in their hands; and disapproved the measures of the government only because they were not consulted; how inevitably must the people then sink into despair! how certain must they then imagine their destruction!

It seems therefore, my lords, equally prudent and just to reject this motion, till better proof shall be brought to support it; lest by complying with it, we should heighten rather than appease the discontent of the people; lest we should too soon deprive them of their only consolation, and expose the patriots to censure, without vindicating the ministry.

In my opinion, my lords, all who have approved the conduct of the present ministry, must necessarily join in rejecting the motion, as cruel and unequitable, and incline to support a just, and continue a wise, administration: and all those whom the restless clamours of the opposite party have persuaded to regard them as arbitrary, corrupt, and perfidious, must, if they are true friends to their country, and steady exacters of justice, resolve to defer their compliance, in order to bring to light the evidence necessary for a legal conviction, and severer punishment.

That these evidences will never be found, and that therefore no legal punishment will ever be inflicted, we may reasonably collect from the injustice of the laboured charge which your lordships have now heard; a charge drawn up with all the assistance of parliamentary and political knowledge, and displayed with all the power of eloquence; a collection of every occurrence for many years, of which any circumstance could be shown in an unfavourable light, and a recapitulation of all the measures which have miscarried by unforeseen events, or which the populace have been persuaded to dislike.

In the administration of governments, my lords, many measures reasonable and just, planned out in pursuance of a very exact knowledge of the state of things then present, and very probable conjectures concerning future events, have yet failed to produce the success which was expected; they have been sometimes defeated by the inconstancy or dishonesty of those who are equally engaged in them, and sometimes frustrated by accidents, of which only Providence has the disposal. It will even be allowed, my lords, that the ministry have been sometimes mistaken in their conjectures, and perhaps deceived by their intelligence, but I will presume to say, it never will be discovered that they willingly betrayed, or heedlessly neglected, their trust, that they ever oppressed their country with unnecessary burthens, or exposed it to be insulted by foreign powers. Nor will it, perhaps, be found that they ever appeared grossly ignorant of the public interest, or failed to discover any obvious truth, or foresee any probable contingencies.

But, my lords, I am willing to confess that they cannot judge of events to come with such unerring and demonstrative knowledge as their opponents can obtain of them after they have happened; and they are inclined to pay all necessary deference to the great sagacity of those wonderful prognosticators, who can so exactly foresee the past. They only hope, my lords, that you will consider how much harder their task is than that of their enemies; they are obliged to determine very often upon doubtful intelligence, and an obscure view of the designs and inclinations of the neighbouring powers; and as their informers may be either treacherous or mistaken, and the interests of other states are subject to alterations, they may be sometimes deceived and disappointed. But their opponents, my lords, are exempt by their employment from the laborious task of searching into futurity, and collecting their resolutions from a long comparison of dark hints and minute circumstances. Their business is not to lead or show the way, but to follow at a distance, and ridicule the perplexity, and aggravate the mistakes, of their guides. They are only to wait for consequences, which, if they are prosperous, they misrepresent as not intended, or pass over in silence, and are glad to hide them from the notice of mankind. But if any miscarriages arise, their penetration immediately awakes, they see

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at the first glance the fatal source of all our miseries, they are astonished at such a concatenation of blunders, and alarmed with the most distracting apprehensions of the danger of their country.

Accusation of political measures is an easy province, easy, my lords, in the same proportion as the administration of affairs is difficult; for where there are difficulties, there will be some mistakes; and where there are mistakes, there will be occasions of triumph to the factious and the disappointed. But the justice of your lordships will certainly distinguish between errors and crimes, and between errors of weakness and inability, and such as are only discoverable by consequences.

I may add, my lords, that your wisdom will easily find the difference between the degree of capacity requisite for recollecting the past, and foreknowing the future; and expect that those whose ambition incites them to endeavour after a share in the government of their country should give better proofs of their qualifications for that high trust, than mere specimens of their memory, their rhetoric, or their malice.

Even the noble lord, who must be confessed to have shown a very extensive acquaintance with foreign affairs, and to have very accurately considered the interests and dispositions of the princes of Europe, has yet failed in the order of time, and by one error very much invalidated his charge of misconduct in foreign affairs.

The Treaty of Vienna, my lords, was not produced by the rejection of the infanta, unless a treaty that was made before it could be the consequence of it: so that there was no such opportunity thrown into our hands as the noble lord has been pleased to represent. Spain had discovered herself our enemy, and our enemy in the highest degree, before the French provoked her by that insult; and therefore, how much soever she might be enraged against France, there was no prospect that she would favour us, nor could we have courted her alliance without the lowest degree of meanness and dishonour.

See then, my lords, this atrocious accusation founded upon false dates, upon a preposterous arrangement of occurrences; behold it vanish into smoke at the approach of truth, and let this instance convince us how easy it is to form chimerical blunders, and impute gross follies to the wisest administration; how easy it is to charge others with mistakes, and how difficult to avoid them.

But we are told, my lords, that the dangers of the confederacy at Vienna were merely imaginary, that no contract was made to the disadvantage of our dominions, or of our commerce, and that if the weakness of the Spaniards and Germans had contrived such a scheme, it would soon have been discovered by them to be an airy dream, a plan impossible to be reduced to execution.

We have been amused, my lords, on this occasion with great profusion of mirth and ridicule, and have received the consolation of hearing that Britain is an island, and that an island is not to be invaded without ships. We have been informed of the nature of the king's territories, and of the natural strength of the fortress of Gibraltar; but the noble lord forgot that though Britain has no dominions on the continent, yet our sovereign has there a very extensive country, which, though we are not to make war for the sake of strengthening or enlarging it, we are surely to defend when we have drawn an invasion upon it.

The weakness of the Spaniards, my lords, has been also much enlarged upon, but the strength of the Jacobites at home has been passed over in silence, though it is apparent how easily the Pretender might have landed here, and with what warmth his cause would have been espoused, not only by those whose religion avowed and professed makes them the enemies of the present royal family, but by many whom prospects of interest, the love of novelty, and rage of disappointment, might have inclined to a change.

That no such stipulations were made by that treaty, that no injury was intended to our commerce, nor any invasion proposed in favour of the Pretender, are very bold assertions, and though they could be supported by all the evidence that negatives admit of, yet will not easily be believed by your lordships, in opposition to the solemn assurances of his late majesty. It is evident from this instance how much prejudice prevails over argument; they are ready to condemn the right honourable gentleman to whom they give the title of sole minister, upon the suffrage of common fame, yet will not acquit him upon the testimony of the king himself.

But, my lords, the arguments alleged to prove the improbability of such a confederacy, are so weak in themselves, that they require no such illustrious evidence to overbalance them. For upon what are they founded, but upon the impossibility of executing such designs?

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It is well known, my lords, how differently different parties consider the same cause, the same designs, and the same state of affairs. Every man is partial in favour of his own equity, strength, and sagacity. Who can show that the same false opinion of their own power, and of our intestine divisions, which now prompts the Spaniards to contend with us, might not then incite them to invade us, or at least to countenance the attempts of one, whom they are industriously taught to believe the greatest part of the nation is ready to receive?

That they might have injured our trade is too evident from our present experience, and that they would have supported the Ostend company, which they espoused in an open manner, is undeniable. Nor is it in the least unlikely, that, elated with the certain power of doing much mischief, and with the imaginary prospects of far greater effects, they might engage in a confederacy, and farther attempts against us.

I am far from imagining, my lords, that it was in the power of the Germans and Spaniards united to force the Pretender upon us, though we had stood alone against them; but the impossibility of succeeding in their design was not then so apparent to them as it is at present to us; they had many reasons to wish, and therefore would not be long without some to believe it practicable; and it was not the danger but the insult that determined his late majesty to enter into an alliance with France.

War, my lords, is always to be avoided, if the possessions and reputation of a people can be preserved without it; it was therefore more eligible to oblige them to lay aside their scheme while it was yet only in idea, than to defeat it in its execution. And an alliance with France effectually restrained the emperor, as our fleets in America reduced the Spaniards to desire peace.

Why we did not seize the cargo of the galleons, has been often asked, and as often such answers have been returned as ought to satisfy any rational examiner. We did not seize them, my lords, because a larger part belonged to other nations than to the Spaniards, and because the interests of our trade made it convenient not to exasperate the Spaniards, so far as to render a reconciliation very difficult.

In the terms of this reconciliation, my lords, it is charged upon the ministry, that they were guilty of contributing to the power of the house of Bourbon, by stipulating that Spain, instead of neutral troops, should be introduced into Italy. That those troops were less agreeable to the emperor cannot be denied, but it has already been shewn how little reason we had to consult his satisfaction; and with regard to the advantages gained by the French and Spaniards in the late war, a very small part of them can be ascribed to six thousand troops.

With as little reason, my lords, is the charge advanced of neglecting to preserve the balance of Europe, by declining to assist the emperor against the French; for the intention of the war seems to have been rather revenge than conquest, and the emperor rather exchanged than lost his dominions.

That we declined engaging too far in the affairs of the continent, proceeded, my lords, from a regard to the trade of the nation, which is not only suspended and interrupted during the time of war; but often thrown into another channel, out of which it is the business of many years to recover it.

Nor have the ministry, my lords, deviated from their regard to trade, in their transactions with Spain, which have been the subject of so much clamour, and such pathetic declamations; they always knew what the nation now feels, that the merchants would suffer much more from a war than from piracies and depredations, which, however, they were far from submitting to, and for which they constantly made demands of satisfaction. To these demands they received such answers, as, if they had been sincere, would have left the nation no room to complain; but when it was discovered that nothing but verbal satisfaction was to be expected, the security of our trade, and the honour of our country, demanded that war should be declared.

The conduct of the war, my lords, has been frequently the subject of censure; we are told of the inactivity of one fleet, and the imperfect equipment of another, the escape of our enemies, and the interception of our trading ships. War, my lords, is confessed to be uncertain, and ill success is not always the consequence of bad measures: naval wars are, by the nature of the element on which they are to be conducted, more uncertain than any other; so that, though it cannot but be suspected that the common people will murmur at any disappointment, call every misfortune a crime, and think themselves betrayed by the ministry, if Spain is not reduced in a single summer, it might be rea-

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sonably hoped, that men enlightened by a long familiarity with the accounts of past, and instructed by personal experience in national transactions, will produce stronger arguments than want of success, when they charge the ministry with misconduct in war.

But, my lords. they have not any misfortunes to complain of; nor is the accusation, that we have been defeated ourselves, but that we have not enough molested our enemies. Of this, my lords, it is not easy to judge at a distance from the scene of action, and without a more accurate knowledge of a thousand minute circumstances, which may promote or retard a naval expedition. It is undoubtedly true, my lords, that many of our merchant ships have been taken by the enemy; but it is not certain that they do not murmur equally that they have been obstructed in their commerce, and have been so little able to interrupt ours, since they have so many advantages from the situation of their coasts. When we reckon those that are lost, let us not forget to number those that have escaped. If admiral Vernon's fleet was ill provided with arms and ammunition, even then, let all censure be suspended till it can be proved that it was ill furnished by the fault of the ministry.

Nothing is more common, my lords, in all naval wars, than sudden changes of fortune; for on many occasions an accidental gust of wind or unexpected darkness of the weather, may destroy or preserve a fleet from destruction; or may make the most formidable armaments absolutely useless: and in the present disposition of some people towards the ministry, I should not wonder to hear an alteration of wind charged upon them.

For what objections may they not expect, my lords, when all the disadvantages which the nation suffers from the enemies of his majesty, are imputed to them; when daily endeavours are used to make them suspected of favouring arbitrary power, for maintaining an army which nothing has made necessary but the struggles of those men, whose principles have no other tendency than to enslave their country? Let not our domestic animosities be kept alive and fomented by a constant opposition to every design of the administration, nor our foreign enemies incited by the observation of our divisions, to treat us with insolence, interrupt our trade, prescribe bounds to our dominions, and threaten us with invasions, and the army may safely be disbanded.

For the ministry, my lords, are not conscious of having consulted any thing but the happiness of the nation, and have therefore no apprehensions of public resentment, nor want the protection of an armed force. They desire only the support of the laws, and to them they willingly appeal from common fame and unequitable charges.

I mention the ministry, my lords, because I am unacquainted with any man who either claims or possesses the power or title of sole minister. I own in my province no superior but his majesty, and am willing and ready to answer any charge which relates to that part of the public business which I have had the honour to transact or direct.

A great part of what I have now offered was therefore no otherwise necessary on the present occasion, than because silence might have appeared like a consciousness of misconduct, and have afforded a new subject of airy triumph to the enemies of the administration; for very few of the transactions which have been so severely censured, fell under the particular inspection of the right honourable gentleman against whom the motion is levelled; he was not otherwise concerned in counselling or in ratifying, than as one of his majesty's privy council; and therefore, though they should be defective, I do not see how it is reasonable or just, that he should be singled out from the rest for disgrace or punishment.

The motion therefore, my lords, appears to me neither founded on facts nor law, nor reason, nor any better grounds than popular caprice, and private malevolence.

If it is contrary to law to punish without proof, if it is not agreeable to reason that one should be censured for the offences of another, if it is necessary that some crime should be proved, before any man can suffer as a criminal, then, my lords, I am convinced that your lordships will be unanimous in rejecting the motion.

The Duke of *Argyle*:

My lords; if we will obstinately shut our eyes against the light of conviction, if we will resolutely admit every degree of evidence that contributes to support the cause which we are inclined to favour, and reject the plainest proofs when they are produced against it, to reason and debate is to little purpose: as no innocence can be safe that has incurred the displeasure

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of partial judges, so no criminal that has the happiness of being favoured by them, can ever be in danger.

That any lord has already determined how to vote on the present occasion, far be it from me to assert: may it never, my lords, be suspected that private interest, blind adherence to a party, personal kindness or malevolence, or any other motive than a sincere and unmingled regard for the prosperity of our country, influences the decisions of this assembly; for it is well known, my lords, that authority is founded on opinion; when once we lose the esteem of the public, our votes, while we shall be allowed to give them, will be only empty sounds, to which no other regard will be paid than a standing army shall enforce.

The veneration of the people, my lords, will not easily be lost: this House has a kind of hereditary claim to their confidence and respect; the great actions of our ancestors are remembered, and contribute to the reputation of their successors; nor do our countrymen willingly suspect that they can be betrayed by the descendants of those, by whose bravery and counsels they have been rescued from destruction.

But esteem must languish, and confidence decline, unless they are renewed and re-animated by new acts of beneficence; and the higher expectations the nation may have formed of our penetration to discover its real advantages, and of our steadiness to pursue them, the more violent will be its resentment, if it shall appear on this important question, that we are either ignorant or timorous, that we are unconcerned at the miseries of the people, or content ourselves with pitying what our ancestors never failed to redress.

Let us therefore, my lords, for our own interest, attend impartially to the voice of the people; let us hear their complaints with tenderness, and if at last we reject them, let it be evident that they were impartially heard, and that we only differed from them because we were not convinced.

Even then, my lords, we shall suffer for some time under the suspicion of crimes, from which I hope we shall always be free, the people will imagine that we were influenced by those whose interest it appears to continue their miseries, and, my lords, all the consolation that will be left us, must arise from the consciousness of having done our duty.

But, my lords, this is to suppose what I believe no history can furnish an example of, it is to conceive that we may enquire diligently after the true state of national affairs, and yet not discover it, or not be able to prove it by such evidence as may satisfy the people.

The people, my lords, however they are misrepresented by those who, from a long practice of treating them with disregard, have learned to think and speak of them with contempt, are far from being easily deceived, and yet farther from being easily deceived into an opinion of their own unhappiness: we have some instances of general satisfaction, and an unshaken affection to the government, in times when the public good has not been very diligently consulted, but scarcely any of perpetual murmurs and universal discontent, where there have been plain evidences of oppression, negligence, or treachery.

Let us not therefore, my lords, think of the people as of a herd to be led or driven at pleasure, as wretches whose opinions are founded upon the authority of seditious scribblers, or upon any other than that of reason and experience; let us not suffer them to be at once oppressed and ridiculed, nor encourage by our example the wretched advocates for those whom they consider as their enemies, nor represent them as imputing to the misconduct of the ministry the late contrariety of the winds, and severity of the winter.

The people, my lords, if they are mistaken in their charge, are mistaken with such evidence on their side, as never misled any nation before; not only their reason but their senses must have betrayed them, and those marks of certainty that have hitherto established truth, must have combined in the support of falsehood.

They are persuaded, my lords, too firmly persuaded, to yield up their opinions to rhetoric, or to votes, or any proof but demonstration, that there is a first, or to speak in the language of the nation, a sole minister, one that has the possession of his sovereign's confidence, and the power of excluding others from his presence, one that exalts and degrades at his pleasure, and distributes for his own purposes the revenues of his master, and the treasure of the nation.

Of this, my lords, can it be maintained that they have no proof? Can this be termed a chimerical suspicion, which nothing can be produced to support? How can power appear but by the exercise of it? What can prove any degree of in-

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fluence or authority, but universal submission and acknowledgment? And surely, my lords, a very transient survey of the court and its dependants, must afford sufficient conviction, that this man is considered by all that are engaged in the administration, as the only disposer of honours, favours, and employments.

Attend to any man, my lords, who has lately been preferred, rewarded, or caressed, you will hear no expressions of gratitude but to that man; no other benefactor is ever heard of, the royal bounty itself is forgotten and unmentioned, nor is any return of loyalty, fidelity, or adherence, professed but to the minister; the minister! a term which, however lately introduced, is now in use in every place in the kingdom, except this House.

Preferments, my lords, whether civil, ecclesiastical, or military, are either wholly in his hands, or those who make it the business of their lives to discover the high road to promotion, are universally deceived, and are daily offering their adorations to an empty phantom that has nothing to bestow: for, no sooner is any man infected with avarice or ambition, no sooner is extravagance reduced to beg new supplies from the public, or wickedness obliged to seek for shelter, than this man is applied to, and honour, conscience, and fortune, offered at his feet.

Did either those whose studies and station give them a claim to advancement in the church, or those whose bravery and long service entitle them to more honourable posts in the army; did either those who profess to understand the laws of their own country, or they who declare themselves versed in the interests and transactions of foreign powers, apply to any other man for promotion or employment, he might then indeed be called the chief, but not properly the sole minister.

But it is well known, my lords, many of us know it too well, that whatever be the profession or the abilities of any person, there is no hope of encouragement or reward by any other method than that of application to this man, that he shall certainly be disappointed who shall attempt to rise by any other interest, and whoever shall dare to depend on his honesty, bravery, diligence, or capacity, or to boast any other merit than that of implicit adherence to his measures, shall inevitably lie neglected and obscure.

For this reason, my lords, every one whose calmness of temper can enable him to support the sight, without starts of indignation and sallies of contempt, may daily see at the levee of this great man, what I am ashamed to mention, a mixture of men of all ranks and all professions, of men whose birth and titles ought to exalt them above the meanness of cringing to a mere child of fortune, men whose studies ought to have taught them, that true honour is only to be gained by steady virtue, and that all other arts, all the low applications of flattery and servility, will terminate in contempt, disappointment, and remorse.

This scene, my lords, is daily to be viewed, it is ostentatiously displayed to the sight of mankind; the minister amuses himself in public with the splendour, and number, and dignity, of his slaves; and his slaves with no more shame pay their prostrations to their master in the face of day, and boast of their resolutions to gratify and support him. And, yet, my lords, it is enquired why the people assert that there is a sole minister?

Those who deny, my lords, that there is a sole minister to whom the miscarriages of the government may justly be imputed, may easily persuade themselves to believe that there have been no miscarriages, that all the measures were necessary, and well formed, that there is neither poverty nor oppression felt in the nation, that our compliance with France was no weakness, and that our dread of the treaty of Vienna was not chimerical.

The Treaty of Vienna, my lords, which has been the parent of so many terrors, consultations, embassies, and alliances, is, I find, not yet to be acknowledged what it certainly was, a mere phantom, an empty illusion sent by the arts of the French to terrify our ministry. His late majesty's testimony is cited to prove that stipulations were really entered into by the two powers allied by that treaty, to destroy our trade, subvert our constitution, and set a new king upon the throne, without consent of the nation.

Such improbabilities, my lords, ought indeed to be proved by a high testimony, by a testimony which no man shall dare to question or contradict; for as any man is at liberty to consult his reason, it will always remonstrate to him, that it is no less absurd to impute the folly of designing impossibilities to any powers not remarkable for weak counsels, than unjust to suspect princes of intending injuries, to which they have not been incited by any provocation.

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But, my lords, notwithstanding the solemnity with which his late majesty has been introduced, his testimony can prove nothing more than that he believed the treaty to be such as he represents, that he had been deceived into false apprehensions and unnecssary cautions by his own ministers, as they had been imposed upon by the agents of France.

This is all, my lords, that can be collected from the royal speech, and to infer more from it is to suppose that the king was himself a party in the designs formed against him; for if he was not himself engaged in this treaty, he could only be informed, by another, of the stipulations, and could only report what he had been told upon the credit of the informer, a man necessarily of very little credit. Thus, my lords, all the evidence of his late majesty vanishes into nothing more than the whisper of a spy.

But as great stress ought doubtless to be laid upon intelligence which the nation is believed to purchase at a very high price, let it be enquired, what proofs those have who dare to suspect the sagacity of our ministers, to put in the balance against their intelligence, and it will be discovered, my lords, that they have a testimony no less than that of the German emperor himself, who could not be mistaken with regard to the meaning of the treaty concluded at his own court, and to whom it will not be very decent to deny such a degree of veracity as may set him at least on the level with a traitor and a hireling.

If the Treaty of Vienna was an imposture, most of our misfortunes are evidently produced by the weakness of the minister; but even supposing it real, as it was only a formidable mockery, an idle threat that could never be executed, it was not necessary, that in order to obviate it, we should give ourselves implicitly into the hands of France.

It was not necessary, my lords, that we should suffer them first to elude the treaty of Utrecht, by making a port at Mardyke, and then directly and openly to violate it by repairing Dunkirk. That this latter is a port contrary to treaty, the bills of entry at the custom-house daily show; and as the customs are particularly under the inspection of the commissioners of the treasury, this man cannot plead ignorance of this infraction, were no information given him by other means. If it should now be asked, my lords, what in my opinion ought to be done, I cannot advise that we should attempt to demolish it by force, or draw upon ourselves the whole power of France by a declaration of war, but what it may be difficult now to remedy, it was once easy to obviate.

Had we shown the same contempt of the French power with our ancestors, and the same steadiness in our counsels, the same firmness in our alliances, and the same spirit in our treaties, that court would never have ventured to break a known solemn stipulation, to have exasperated a brave and determined adversary by flagrant injustice, and to have exposed themselves to the hazard of a war, in which it would have been the interest of every prince of Europe who regarded justice or posterity to wish their defeat.

Now they see us engaged in a war, my lords, they may be animated to a more daring contempt of the faith of treaties, and insult us with yet greater confidence of success, as they cannot but remark the cowardice or the ignorance with which we have hitherto carried on this war. They cannot but observe that either our minister means in reality to make war rather upon the Britons than the Spaniards, or that he is totally unacquainted with military affairs, and too vain to ask the opinion of others who have greater knowledge than himself.

Nothing, my lords, is more apparent than that the minister was forced by the continual clamours of the nation to declare war, contrary to his own inclination, and that he always affected to charge it upon others and to exempt himself from the imputation of it. It is therefore probable that he has not acted on this occasion so wisely as even his own experience and penetration might, if they were honestly employed, enable him to act, and that he has suffered our counsels to be embarrassed, that he sees with great tranquillity those suffering by the war, at whose request it was begun, and imagines it a proof of the excellence of his own scheme, that those who forced him to break it, may in time repent of their importunities.

For that in the management of the war, my lords, no regard has been had either to the advantages which the course of our trade inevitably gives to our enemies, or to the weakness to which the extent of their dominions necessarily subjects them, that neither the interest of the merchant has been consulted, nor the ease of the nation in general regarded, that the treasure of the public has been squandered, and that our military preparations have intimidated

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no nation but our own, is evident beyond contradiction.

It is well known, my lords, to every man but the minister, that we have nothing to fear from either the fleets or armies of the Spaniards, that they cannot invade us except in America, and that they can only molest us by intercepting our traders. This they can only effect by means of their privateers, whose vessels being light and active may be easily fitted out, nimbly seize their prey and speedily retire.

The experience of the last French war, my lords, might have taught us how much we have to fear from the activity of men incited by prospects of private gain, and equipped with that care and vigilance, which, however omitted in national affairs, the interest of particular men never fails to dictate. It is well known, my lords, how much we lost amidst our victories and triumphs, and how small security the merchants received from our magnificent navies, and celebrated commanders. It was therefore surely the part of wise men, not to miscarry twice by the same omission, when they had an opportunity to supply it.

I need not inform your lordships of what every reader of newspapers can tell, and which common sense must easily discover, that privateers are only to be suppressed by ships of the same kind with their own, which may scour the seas with rapidity, pursue them into shallow water, where great ships cannot attack them, seize them as they leave the harbours, or destroy them upon their own coasts.

That this is in its own nature at once obvious to be contrived, and easily to be done, must appear upon the bare mention of it, and yet that it has been either treacherously neglected, or ignorantly omitted, the accounts of every day have long informed us. Not a week passes in which our ships are not seized, and our sailors carried into a state of slavery. Nor does this happen only on the wide ocean which is too spacious to be garrisoned, or upon our enemies coasts where they may have sometimes insuperable advantages, but on our own shores, within sight of our harbours, and those seas of which we vainly style our nation the sovereign.

Who is there, my lords, whose indignation is not raised at such ignominy? Who is there by whom such negligence will not be resented? It cannot be alleged that we had not time to make better preparations; we had expected war long before we declared it, and if the minister was the only man by whom it was not expected, it will make another head of accusation.

Nor was his disregard of our dominions less flagrant than that of our trade; it was publicly declared by Don Geraldino, that his master would never give up his claim to part of our American colonies, which yet were neither fortified on the frontiers, nor supplied with arms, nor enabled to oppose an enemy, nor protected against him.

One man there is, my lords, whose natural generosity, contempt of danger, and regard for the public, prompted him to obviate the designs of the Spaniards, and to attack them in their own territories, a man whom by long acquaintance I can confidently affirm to have been equal to his undertaking, and to have learned the art of war by a regular education, who yet miscarried in his design, only for want of supplies necessary to a possibility of success.

Nor is there, my lords, much probability that the forces sent lately to Vernon will be more successful, for this is not a war to be carried on by boys: the state of the enemies' dominions is such, partly by situation, and partly by the neglect of that man whose conduct we are examining, that to attack them with any prospect of advantage, will require the judgment of an experienced commander, of one who had learned his trade, not in Hyde-park, but in the field of battle, of one that has been accustomed to sudden exigencies and unsuspected difficulties, and has learned cautiously to form, and readily to vary, his schemes.

An officer, my lords, an officer qualified to invade kingdoms, is not formed by bluftering in his quarters, by drinking on birthnights, or dancing at assemblies; nor even by the more important services of regulating elections, and suppressing those insurrections which are produced by the decay of our manufactures. Many gallant colonels have led out their forces against women and children, with the exactest order, and scattered terror over numerous bodies of colliers and weavers, who would find difficulties not very easily surmountable, were they to force a pass, or storm a fortress.

But, my lords, those whom we have destined for the conquest of America, have not even flushed their arms with such services, nor have learned what is most necessary to be learned, the habit of obedience; they are only such as the late frost hindered from the exercise of their

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trades, and forced to seek for bread in the service; they have scarcely had time to learn the common motions of the exercise, or distinguish the words of command.

Nor are their officers, my lords, extremely well qualified to supply those defects, and establish discipline and order in a body of new raised forces; for they are absolutely strangers to service, and taken from school to receive a commission, or, if transplanted from other regiments, have had time only to learn the art of dress. We have sent soldiers undisciplined, and officers unable to instruct them, and sit in expectation of conquests to be made by one boy acting under the direction of another.

To their commander in chief, my lords, I object nothing but his inexperience, which is by no means to be imputed to his negligence, but his want of opportunities; though of the rest surely it may be said that they are such a swarm as were never before sent out on military designs; and, in my opinion, to the other equipments, the government should have added provisions for women to nurse them.

Had my knowledge of war, my lords, been thought sufficient to have qualified me for the chief command in this expedition, or had my advice been asked with regard to the conduct of it, I should willingly have assisted my country with my person or my counsels; but, my lords, this man who engrosses all authority, seems likewise to believe that he is in possession of all knowledge, and that he is equally capable, as he is equally willing, to usurp the supreme and uncontrolable direction both of civil and military affairs.

Why new forces were raised, my lords, is very easy to judge; new forces required new commissions, and new commissions produced new dependencies, which might be of use to the minister at the approaching election; but why the new-raised troops were sent on this expedition rather than those which had been longer disciplined, it is very difficult to assign a reason, unless it was considered that some who had commands in them had likewise seats in parliament, and the minister was too grateful to expose his friends to danger, and too prudent to hazard the loss of a single vote. Besides the commander in chief, there is but one member in the expedition, and, my lords, he is one of too great integrity to be corrupted, and, though sensible of the weakness of the troops, too brave to quit his post. How much our country may suffer by such absurd conduct, I need not explain to your lordships; it may easily be conceived how much one defeat may dispirit the nation, and to what attempts one victory may excite our enemies, those enemies whom, under a steady and wise administration, we should terrify into submission, even without an army.

I cannot forbear to remark on this occasion, how much the ignorance of this man has exposed a very important part of our foreign dominions to the attempts of the Spaniards. Gibraltar, my lords, is well known to be so situated, as to be naturally in very little danger of an attack from the land, and to command the country to a great distance; but these natural advantages are now taken away, or greatly lessened, by new fortifications, erected within much less than gun-shot of the place, erected in the sight of the garrison, and while one of our admirals was cruizing upon the coast.

The pretence, my lords, upon which they were erected, was, that though Gibraltar was granted to Britain, yet there was no district appendant to it, nor did the British authority extend beyond the walls of the town: this poor excuse did the chicanery of the Spaniards invent, and with this, my lords, was our minister contented, either not knowing or not appearing to know what, I hope, the children whom we have dispatched to America, have been taught, and what no man versed in national affairs can be ignorant of without a crime, that when a fortress is yielded to another nation, the treaty always virtually includes, even without mentioning it, an extent of land as far as the guns of the fortification can reach.

Whether this man, my lords, was so ignorant as to be deceived thus grossly, or so abandoned as willingly to deceive his country, he is equally unqualified to support the office of first minister, and almost equally deserves to be prosecuted by the indignation and justice of this assembly in the severest manner; for how great must be his wickedness who undertakes a charge above his abilities, when his country may be probably ruined by his errors?

Your lordships cannot but observe, that I make use rather of the term minister than that of the administration, which others are so desirous to substitute in its place, either to elude all enquiry into the management of our affairs, or to cover their own shameful dependence.

Administration, my lords, appears to me

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a term without a meaning, a wild indeterminate word, of which none can tell whom it implies, or how widely it may extend: a charge against the administration may be imagined a general censure of every officer in the whole subordination of government, a general accusation of instruments and agents, of masters and slaves; my charge, my lords, is against the minister, against that man who is believed by every one in the nation, and known by great numbers, to have the chief, and whenever he pleases to require it, the sole direction of the public measures; he, to whom all the other ministers owe their elevation, and by whose smile they hold their power, their salaries, and their dignity.

That this appellation is not without sufficient reason bestowed upon that man, I have already proved to your lordships; and as it has already been made appear that common fame is a sufficient ground of accusation, it will easily be shewn that this man has a just claim to the title of minister, for if any man be told of an accusation of the minister, he will not ask the name of the person accused.

But there is in the motion one title conferred upon him, to which he has no pretensions; for there is no law for stiling him the first commissioner of the treasury. The commissioners, my lords, who discharge in a collective capacity the office of lord high treasurer, are constituted by the same patent, invested with equal power and equal dignity, and I know not why this man should be exalted to any superiority over his associates.

If we take, my lords, a review of our affairs, and examine the state of the nation in all its relations and all its circumstances, we cannot surely conceive that we are in a state of prosperity, unless discontent at home, and scorn abroad, the neglect of our allies, and insolence of our enemies, the decay of trade, and multitude of our imposts, are to be considered as proofs of a prosperous and flourishing nation.

Will it be alleged, my lords, has this man one friend adventurous enough to assert in open day, that the people are not starving by thousands, and murmuring by millions, that universal misery does not overspread the nation, and that this horrid series of calamities is not universally among all conditions imputed to the conduct of this man?

That great evils are felt, my lords, no Briton, I am certain, who converses promiscuously with his countrymen, will attempt to dispute, and until some other cause more proportioned to the effect shall be assigned, I shall join with the public in their opinion, and while I think this man the author of our miseries, shall conclude it necessary to comply with the motion.

The *Lord Chancellor:*

My lords; though I very readily admit, that crimes ought to be punished, that a treacherous administration of public affairs is in a very high degree criminal, that even ignorance, where it is the consequence of neglect, deserves the severest animadversion, and that it is the privilege and duty of this House to watch over the state of the nation, and inform his majesty of any errors committed by his ministers; yet I am far from being convinced either of the justice or necessity of the motion now under consideration.

The most flagrant and invidious part of the charge against the right hon. gentleman appears to consist in this, that he has engrossed an exorbitant degree of power, and usurped an unlimited influence over the whole system of government, that he disposes of all honours and preferments, and that he is not only first but sole minister.

But of this boundless usurpation, my lords, what proof has been laid before you? What beyond loud exaggerations, pompous rhetoric, and specious appeals to common fame? Common fame, which at least may sometimes err, and which, though it may afford sufficient ground for suspicion and enquiry, was never yet admitted as conclusive evidence, where the immediate necessities of the public did not preclude the common forms of examination, where the power of the offender did not make it dangerous to attack him by a legal prosecution, or where the conduct of the accusers did not plainly discover that they were more eager of blood than of justice, and more solicitous to destroy than to convict.

I hope none of these circumstances, my lords, can at present obstruct a candid and deliberate enquiry: with regard to the public, I am not able to discover any pressing exigencies that demand a more compendious method of proceeding, than the established laws of the land, and the wisdom of our ancestors, have prescribed. I know not any calamity that will be aggravated, nor any danger that will become more formidable, by suffering this question to be legally tried.

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Nor is there, my lords, in the circumstances of the person accused, any thing that can incite us to a hasty process; for if what is alleged by the noble lords, is not exaggerated beyond the truth, if he is universally detested by the whole nation, and loaded with execrations by the public voice, if he is considered as the author of all our miseries, and the source of all our corruptions, if he has ruined our trade, and depressed our power, impoverished the people and attempted to enslave them, there is at least no danger of an insurrection in his favour, or any probability that his party will grow stronger by delays. For, my lords, to find friends in adversity, and assertors in distress, is only the prerogative of innocence and virtue.

The gentleman against whom this formidable charge is drawn up, is, I think, not suspected of any intention to have recourse either to force or flight; he has always appeared willing to be tried by the laws of his country, and to stand an impartial examination; he neither opposes nor eludes enquiry, neither flies from justice nor defies it.

And yet less, my lords, can I suspect that those by whom he is accused, act from any motive that may influence them to desire a sentence not supported by evidence, or conformable to truth; or that they can wish the ruin of any man whose crimes are not notorious and flagrant, that they persecute from private malice, or endeavour to exalt themselves by the fall of another.

Let us therefore, my lords, enquire before we determine, and suffer evidence to precede our sentence. The charge, if it is just, must be by its own nature easily proved, and that no proof is brought, may perhaps be sufficient to make us suspect that it is not just.

For, my lords, what is the evidence of common fame, which has been so much exalted, and so confidently produced? Does not every man see that on such occasions two questions may be asked of which perhaps neither can easily be answered, and which yet must both be resolved before common fame can be admitted as a proof of facts?

It is first to be enquired, my lords, whether the reports of fame are necessarily or even probably true? A question very intricate and diffusive, entangled with a thousand, and involving a thousand distinctions: a question of which it may be said, that a man may very plausible maintain either side, and of which perhaps, after months or years wasted in disputation, no other decision can be obtained than what is obvious at the first view, that they are often true, and often false, and, therefore, can only be grounds of enquiry, not reasons of determination.

But if it appear, my lords, that this oracle cannot be deceived, we are then to enquire after another difficulty, we are to enquire what is fame?

Is fame, my lords, that fame which cannot err, a report that flies on a sudden through a nation, of which no man can discover the original, a sudden blast of rumour, that inflames or intimidates a people, and obtains without authority a general credit? No man versed in history can enquire whether such reports may not deceive. Is fame rather a settled opinion prevailing by degrees, and for some time established? How long then, my lords, and in what degree, must it have been established to obtain undoubted credit, and when does it commence infallible? If the people are divided in their opinions, as in all public questions it has hitherto happened, fame is, I suppose, the voice of the majority; for if the two parties are equal in their numbers, fame will be equal; then how great must be the majority before it can lay claim to this powerful auxiliary? And how shall that majority be numbered?

These questions, my lords, may be thought, perhaps with justice, too ludicrous in this place, but in my opinion they contribute to show the precarious and uncertain nature of the evidence so much confided in.

Common fame, my lords, is to every man only what he himself commonly hears; and it is in the power of any man's acquaintance to vitiate the evidence which they report, and to stun him with clamours, and terrify him with apprehensions of miseries never felt and dangers invisible. But without such a combination, we are to remember that most men associate with those of their own opinions, and that the rank of those that compose this assembly naturally disposes such as are admitted to their company, to relate, or to invent, such reports as may be favourably received; so that what appears to one lord the general voice of common fame, may by another be thought only the murmur of a petty faction, despicable with regard to their numbers, and detestable if we consider their principles.

So difficult is it, my lords, to form any

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solid judgment concerning the extent and prevalence of any particular report, and the degree of credit to be given to it. The industry of a party may supply the defect of numbers, and some concurrent circumstances may contribute to give credit to a false report.

But, my lords, we are ourselves appealed to as witnesses of the truth of facts which prove him to be sole minister, of the number of his dependants, the advancement of his friends, the disappointments of his opponents, and the declarations made by his followers of adherence and fidelity.

If it should be granted, my lords, that there is nothing in these representations exaggerated beyond the truth, and that nothing is represented in an improper light, what consequence can we draw, but that the followers of this gentleman make use of those arts which have always been practised by the candidates of preferment, that they endeavour to gain their patron's smile by flattery and panegyric, and to keep it by assiduity and an appearance of gratitude. And if such applications exalted any man to the authority and title of first minister, the nation has never in my memory been without some man in that station, for there is always some one to whom ambition and avarice have paid their court, and whose regards have been purchased at the expence of truth.

Nor is it to be wondered at, my lords, that posts of honour and profit have been bestowed upon the friends of administration; for who enriches or exalts his enemies? Who will increase the influence that is to be exerted against him, or add strength to the blow that is levelled at himself?

That the right hon. gentleman is the only disposer of honours has never yet appeared; it is not pretended, my lords, that he distributes them without the consent of his majesty, nor even that his recommendation is absolutely necessary to the success of any man's applications. If he has gained more of his majesty's confidence and esteem than any other of his servants, he has done only what every man endeavours, and what therefore is not to be imputed to him as a crime.

It is impossible, my lords, that kings, like other men, should not have particular motions of inclination or dislike; it is possible, that they may fix their affection upon objects not in the highest degree worthy of their regard, and overlook others that may boast of greater excellencies and more shining merit; but this is not to be supposed without proof, and the regard of the king, as of any other man, is one argument of desert more than he can produce who has endeavoured after it without effect.

This imputed usurpation must be proved upon him either by his own confession, or by the evidence of others; and it has not been yet pretended that he assumes the title of prime minister, or indeed, that it is applied to him by any but his enemies; and it may easily be conceived how weakly the most uncorrupted innocence would be supported, if all the aspersions of its enemies were to be received as proofs against it.

Nor does it appear, my lords, that any other evidence can be brought against him on this head, or that any man will stand forth and affirm that either he has been injured himself by this gentleman, or known any injury done by him to another by the exertion of authority with which he was not lawfully invested; such evidence, my lords, the laws of our country require to be produced before any man can be punished, censured, or disgraced. No man is obliged to prove his innocence, but may call upon his prosecutors to support their accusation; and why this hon. gentleman, whatever may have been his conduct, should be treated in a different manner than any other criminal, I am by no means able to discover.

Though there has been no evidence offered of his guilt, your lordships have heard an attestation of his innocence, from the noble duke who spoke first against the motion, of whom it cannot be suspected that he would, voluntarily, engage to answer for measures which he pursued in blind compliance with the direction of another. The same testimony, my lords, can I produce, and affirm with equal truth, that in the administration of my province, I am independent, and left entirely to the decisions of my own judgment.

In every government, my lords, as in every family, some either by accident or a natural industry, or a superior capacity, or some other cause, will be engaged in more business, and treated with more confidence, than others; but if every man is willing to answer for the conduct of his own province, there is all the security against corruption that can possibly be obtained; for if every man's regard to his own safety and reputation will prevent him from betraying his trust or abusing his power, much more

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will it incite him to prevent any misconduct in another for which he must himself be accountable. Men are usually sufficiently tenacious of power, and ready to vindicate their separate rights, when nothing but their pride is affected by the usurpation; but surely no man will patiently suffer his province to be invaded when he may himself be ruined by the conduct of the invader.

Thus, my lords, it appears to me to be not only without proof, but without probability; and the first minister can, in my opinion, be nothing more than a formidable illusion, which, when one man thinks he has seen it, he shows to another as easily frighted as himself, who joins with him in propagating the notion, and spreading terror and resentment over the nation, till at last the panic becomes general, and what was at first only whispered by malice or prejudice in the ears of ignorance or credulity, is adopted by common fame, and echoed back from the people to the parliament.

I have hitherto, my lords, confined myself to the consideration of one single article of this complicated charge, because it appears to me to be the only part of it necessary to be examined; for if once it be acknowledged that the affairs of the nation are transacted not by the minister but the administration, by the council in which every man that sits there has an equal voice and equal authority, the blame or praise of all the measures must be transferred from him to the council, and every man that has advised or concurred in them, will deserve the same censure or the same applause; as it is unjust to punish one man for the crimes of another, it is unjust to chuse one man out for punishment from among many others equally guilty.

But I doubt not, my lords, when all those measures are equitably considered, there will be no punishment to be dreaded, because neither negligence nor treachery will be discovered. For, my lords, with regard to the treaty of Vienna, let us suppose our ministers deceived by ignorant or corrupt intelligence, let us admit that they were cautious where there was no danger, and neglected some opportunities, which, if they had received better information, they might have improved to the advantage and security of the nation. What have they done even under all these disadvantageous suppositions, but followed the lights which they judged most clear, and by which they hoped to be conducted to honour and to safety?

Policy, my lords, is very different from prescience: the utmost that can be attained is probability, and that for the most part in a low degree. It is observed, that no man is wise but as you take into consideration the weakness of another; a maxim more eminently true of political wisdom, which consists, very often, only in discovering designs which could never be known but by the folly or treachery of those to whom they are trusted. If our enemies were wise enough to keep their own secrets, neither our ministers nor our patriots would be able to know or prevent their designs, nor would it be any reproach to their sagacity, that they did not know what nobody would tell them.

If therefore, my lords, the princes, whose interest is contrary to our own, have been at any time served by honest and wise men, there was a time when our ministers could act only by conjecture, and might be mistaken without a crime.

If it was always in our power to penetrate into the intentions of our enemies, they must necessarily have the same means of making themselves acquainted with our projects, and yet when any of them are discovered we think it just to impute it to the negligence of the minister.

Thus, my lords, every man is inclined to judge with prejudice and partiality. When we suffer by the prudence of our enemies, we charge our ministers with want of vigilance, without considering, that very often nothing is necessary to elude the most penetrating sagacity, but obstinate silence.

If we enquire into the transactions of past times, shall we find any man, however renowned for his abilities, not sometimes imposed upon by falshoods, and sometimes betrayed by his own reasonings into measures destructive of the purposes which he endeavoured to promote? There is no man of whose penetration higher ideas have been justly formed, or who gave more frequent proofs of an uncommon penetration into futurity, than Cromwell; and yet succeeding times have sufficiently discovered the weakness of aggrandizing France by depressing Spain, and we wonder now how so much policy could fall into so gross an error, as not rather to suffer power to remain in the distant enemy, than transfer it to another equally divided from us by interest, and far more formidable by the situation of his dominions.

Cromwell, my lords, suffered himself to

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be hurried away by the near prospect of present advantages, and the apprehension of present dangers; and every other man has been, in the same manner, sometimes deluded into a preference of a smaller present advantage, to a greater which was more remote.

Let it not be urged, my lords, that politics are advanced since the time of Cromwell, and that errors which might then be committed by the wisest administration, are now gross and reproachful; we are to remember that every part of policy has been equally improved, and that if more methods of discovery have been struck out, there have been likewise more arts invented of eluding it.

When, therefore, we enquire into the conduct, or examine the abilities, of a minister, we are not to expect that he should appear never to have been deceived, but that he should never be found to have neglected any proper means of information, nor ever to have willingly given up the interest of his country; but we are not to impute to his weakness what is only to be ascribed to the wisdom of those whom he opposed.

If this plea, my lords, is reasonable, it will be necessary for those who support the motion, to prove, not only that the treaty of Vienna was never made, but that the falshood of the report either was or might have been known by our ministers; otherwise those who are inclined to retain a favourable opinion of their integrity and abilities, may conclude, that they were either not mistaken, or were led into error by such delusions as would no less easily have imposed on their accusers, and that by exalting their enemies to their stations, they shall not much consult the advantage of their country.

This motion, therefore, my lords, founded upon no acknowledged, no indisputable facts, nor supported by legal evidence; this motion, which by appealing to common fame, as the ultimate judge of every man's actions, may bring every man's life, or fortune, into danger; this motion, which condemns without hearing, and decides without examining, I cannot but reject, and hope your lordships will concur with me.

Lord *Carlisle:*

My lords; the state of the question before us has, in my opinion, not been rightly apprehended by the noble lord who spoke last, nor is the innocence or guilt of the minister the chief question before us, because a minister may possibly mean well, and yet be in some particular circumstances unqualified for his station.

He may not only want the degree of knowledge and ability requisite to make his good intentions effectual, but, my lords, however skilful, sagacious, or diligent, he may be so unfortunate in some parts of his conduct, as to want the esteem and confidence of the people.

That a very able and honest minister may be misinformed by his intelligence, disappointed by his agents, or baffled by other men of equal capacity and integrity with himself, cannot be controverted; but it must surely be owned likewise, that when then this has happened so often, and in cases of such importance, as to deprive him entirely of the regard and affection of the people; when he is reduced to intrench himself behind his privileges, to employ all the influence of the crown for his own security, and make it his daily endeavour to create new dependencies, he ought to be pitied and discarded.

That this is the state of the minister whose removal is desired by the motion, cannot be denied; the exaltation of his adherents to places and preferments, the noble lord has been so far from questioning, that he has endeavoured to justify it, and has in plain terms enquired, who would have acted otherwise?

Every man, my lords, would have acted otherwise, whose character had not been blasted by general detestation: every man would have acted otherwise who preferred the public good to his own continuance in power; and every man has acted otherwise who has distinguished himself as a friend to the public.

It is the interest of the nation, my lords, that every office should be filled by that man who is most capable of discharging it, whatever may be his sentiments with regard to the minister; and that his attention should be confined to his employment rather than distracted by various concerns and opposite relations. It is therefore an injury to the public, to thrust a skilful commissioner into parliament, or to embarrass an industrious senator with a post or commission.

Yet, my lords, that multitudes have obtained places, who have no acquaintance with the duties of their offices, nor any other pretensions to them, than that they have seats in the other House, and that by distinguishing himself in that assembly,

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any man may most easily obtain the preferments of the crown, is too obvious for controversy.

This practice, my lords, is a sufficient foundation for the motion: a practice so injurious to the nation, so long continued, and so openly avowed, requires to be vigorously opposed, lest it should become established by long custom, and entangle itself with our constitution.

If the minister, my lords, has made it necessary to employ none but his adherents and blind followers, this necessity alone is a sufficient proof how little he confides in his own prudence or integrity, how apprehensive he is of the censure of the parliament and how desirous of continuing his authority, by avoiding it. And surely, my lords, it is our duty, as well as our right, to address the throne, that a minister should be removed who fears the people, since few men fear without hating, and nothing so much contributes to make any man an enemy to his country, as the consciousness that he is universally abhorred.

But, my lords, if this be done by him without necessity, if the general preference of his friends is only the consequence of mistaken judgment, or corrupt gratitude, this address is equally necessary, because the effects are equally pernicious.

When a minister suspected of ill intentions is continued in employment, discontent must naturally spread over the nation; and if the end of government be the happiness of the people; if suspicion and jealousy be contrary to a state of happiness; and if this suspicion which generally prevails, this discontent which fills the whole nation, can be appeased only by the removal of the minister; prudence, justice, and the examples of our ancestors, ought to influence us to endeavour that the affairs of the nation may be transferred to such whose greater integrity or wisdom has recommended them to the affection of the people.

In this motion, therefore, we need not be supposed to imply that the minister is either ignorant or corrupt, but that he is disliked by the people, disliked to such a degree, my lords, that it is not safe for his majesty to employ him.

It is doubtless our duty, my lords, to guard both the rights of the people, and the prerogatives of the throne, and with equal ardour to remonstrate to his majesty the distresses of his subjects, and his own danger. We are to hold the balance of the constitution, and neither to suffer the regal power to be overborne by a torrent of popular fury, nor the people to be oppressed by an illegal exertion of authority, or the more insupportable hardships of unreasonable laws.

By this motion, my lords, the happiness of the people, and the security of his majesty, are at once consulted, nor can we suppress so general a clamour, without failing equally in our duty to both.

To what, my lords, is the untimely end of so many kings and emperors to be imputed, but to the cowardice or treachery of their counsellors, of those to whom they trusted that intercourse which is always to be preserved between a monarch and his people? Were kings honestly informed of the opinions and dispositions of their subjects, they would never, or at least rarely persist in such measures as, by exasperating the people, tend necessarily to endanger themselves.

It is the happiness of a British monarch, that he has a standing and hereditary council, composed of men who do not owe their advancement to the smiles of caprice, or the intrigues of a court, who are, therefore, neither under the influence of a false gratitude, nor of a servile dependence, and who may convey to the throne the sentiments of the people, without danger and without fear. But, my lords, if we are either too negligent, or too timorous, to do our duty, how is the condition of our sovereign more safe, or more happy, than that of an emperor of Turkey, who is often ignorant of any complaints made against the administration, till he hears the people thundering at the gates of his palace.

Let us, therefore, my lords, whatever may be our opinion of the conduct of the minister, inform his majesty of the discontent of his subjects, since, whether it is just or not, the danger is the same, and whenever any danger threatens the king, we ought either to enable him to oppose, or caution him to avoid it.

Lord *Cholmondely*:

My lords; I cannot but observe in this debate an ambition of popularity, in my opinion not very consistent with the freedom of debate and the dignity of this assembly, which ought to be influenced by no other motive than the force of reason and truth.

It has been a common method of eluding the efficacy of arguments, to charge the opponent with blind adherence to interest,

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or corrupt compliance with the directions of a court; nor has it been less frequent to prevent enquiries into public measures, by representing them as the clamours of faction, the murmurs of disobedience, and the prelude to rebellion.

So necessary, my lords, has it been always thought to be uninfluenced in our examinations by dependence or interest, that the most irrefragable reasons have lost the power of conviction by the condition and characters of those by whom they were produced; and so much is it expected from innocence and justice to despise all foreign assistance, and to stand the test of enquiry without asking the support of power, that every man has been concluded guilty that has fled for shelter to the throne.

And surely, my lords, if that man's suffrage is of little weight who appears determined to subscribe to the dictates of a minister, no greater credit can be assigned to another who professes himself only the echo of the clamours of the populace. If it be a proof of a weak cause, and consciousness of misconduct, to apply to the crown for security and protection; it may be accounted an acknowledgment of the insufficiency of arguments, when the people is called in to second them, and they are only to expect success from the violence of multitudes.

That all government is instituted for the happiness of people, that their interest ought to be the chief care of the legislature, that their complaints ought patiently to be heard, and their grievances speedily redressed, are truths well known, generally acknowledged, and, I hope, always predominant in the mind of every lord in this assembly. But, that the people cannot err, that the voice of fame is to be regarded as an oracle, and every murmur of discontent to be pacified by a change of measures, I have never before heard, or heard it only to disregard it.

True tenderness for the people, my lords, is to consult their advantage, to protect their liberty, and to preserve their virtue; and perhaps examples may be found sufficient to inform us that all these effects are often to be produced by means not generally agreeable to the public.

It is possible, my lords, for a very small part of the people to form just ideas of the motives of transactions and the tendency of laws. All negociations with foreign powers are necessarily complicated with many different interests, and varied by innumerable circumstances, influenced by sudden exigencies, and defeated by unavoidable accidents. Laws have respect to remote consequences, and involve a multitude of relations which it requires long study to discover. And how difficult it is to judge of political conduct, or legislative proceedings, may be easily discovered by observing how often the most skilful statesmen are mistaken, and how frequently the laws require to be amended.

If then, my lords, the people judge for themselves on these subjects, they must necessarily determine without knowledge of the questions, and their decisions are then of small authority. If they receive implicitly the dictates of others, and blindly adopt the opinions of those who have gained their favour and esteem, their applauses and complaints are with respect to themselves empty sounds, which they utter as the organs of their leaders. Nor are the desires of the people gratified, when their petitions are granted; nor their grievances overlooked, when their murmurs are neglected.

As it is no reproach to the people that they cannot be the proper judges of the conduct of the government, so neither are they to be censured when they complain of injuries not real, and tremble at the apprehension of severities unintended. Unjust complaints, my lords, and unreasonable apprehensions, are to be imputed to those who court their regard only to deceive them, and exalt themselves to reputation by rescuing them from grievances that were never felt, and averting dangers that were never near.

He only who makes the happiness of the people his endeavour, loves them with a true affection and a rational tenderness; and he certainly consults their happiness who contributes to still all groundless clamours, and appease all useless apprehensions, who employs his care not only to preserve their quiet and their liberty, but to secure them from the fear of losing it, who not only promotes the means of happiness, but enables them to enjoy it.

Thus it appears, my lords, that it is possible to be a friend at the same time to the people and the administration, and that no man can more deserve their confidence and applause, than he that dissipates their unreasonable terrors, and contributes to reconcile them to a good government.

That most of the clamours against the present government arise from calumnies and misrepresentations, is apparent from

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the sanction of parliament, which has been given to all the measures that are charged as crimes upon the administration.

That the army is supported by the consent of parliament, that parliament has approved the convention, and that our taxes are all imposed and continued by parliament, cannot be denied. What then is demanded by those that censure the conduct of public affairs, but that their opinion should be considered as an overbalance to the wisdom of parliament, that no man should be allowed to speak but as they dictate, nor to vote but as they shall influence them by their rhetoric or example?

To repeat the particular topics of accusation, and recapitulate the arguments which have been produced to confute it, would be a tedious and unnecessary labour; unnecessary because it is well known that they once had the power of convincing this House, and that nothing has since happened to lessen their force, and because many of them now have been already repeated by the noble lords that have opposed the motion.

To search far backward for past errors, and to take advantage of later discoveries in censuring the conduct of any minister, is in a high degree disingenuous and cruel; it is an art which may be easily practised, of perplexing any question, by connecting distant facts, and entangling one period of time with another.

The only candid method of enquiry is to recur back to the state of affairs, as it then appeared, to consider what was openly declared, and what was kept impenetrably secret, what was discoverable by human sagacity, and what was beyond the reach of the most piercing politician.

With regard to the Hanover treaty, it is not, my lords, requisite that we should engage ourselves in a very minute examination; for it was not only not transacted by the right hon. gentleman whose behaviour is the subject of this debate, but cannot be proved to have been known by him till it was formally ratified. If he afterwards approved it either in the council or in parliament, he cannot justly, how destructive or ridiculous soever that treaty be thought, be charged with more than his share of the guilt, the bare guilt of a single vote.

But there is one accusation yet more malicious, an accusation not only of crimes which this gentleman did not commit, but which have not yet been committed, an accusation formed by prying into futurity, and exaggerating misfortunes which are yet to come, and which may probably be prevented. Well may any man, my lords, think himself in danger, when he hears himself charged not with high crimes and misdemeanors, not with accumulative treason, but with misconduct of public affairs, past, present, and future.

The only charge against this gentleman which seems to relate more to him than to any other man engaged in the administration, is the continuance of the harbour of Dunkirk, which, says the noble duke, he must be acquainted with as commissioner of the treasury; but if the title of first commissioner be denied, if his authority be but the same with that of his associates, whence comes it, my lords, that he is more particularly accused than they? Why is his guilt supposed greater if his power is only equal?

But, my lords, I believe it will appear, that no guilt has been contracted on this account, and that Dunkirk was always intended, even by those that demanded the demolition of it, to continue a harbour for small trading vessels, and that if larger ever arrived from thence, they lay at a distance from the shore, and were loaded by small vessels from the town.

With regard to other affairs, my lords, they were all transacted by the council, not by his direction, but with his concurrence, and how it is consistent with justice to single him out for censure, I must desire the noble lords to show who approve the motion.

If the people, my lords, have been, by misrepresentations industriously propagated, exasperated against him, if the general voice of the nation condemns him, we ought more cautiously to examine his conduct, lest we should add strength to prejudice too powerful already, and instead of reforming the errors and regulating the heat of the people, inflame their discontent and propagate sedition.

The utmost claim of the people is to be admitted as accusers, and sometimes as evidence, but they have no right to sit as judges, and to make us the executioners of their sentence; and as this gentleman has yet been condemned only by those who have not the opportunities of examining his conduct, nor the right of judging him, I cannot agree to give him up to punishment.

Lord *Halifax*:

My lords; though I do not conceive the people infallible, yet I believe that in ques-

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tions like this they are seldom in the wrong, for this is a question not of argument but of fact: of fact discoverable not by long deductions and accurate ratiocinations, but by the common powers of feeling.

That it is difficult to know the motives of negociations, and the effects of laws, and that it requires long study and intense meditation to discover remote consequences, is indubitably true. And, with regard to the people in general, it cannot be denied, that neither their education qualifies them, nor their employments allow them, to be much versed in such enquiries.

But, my lords, to refer effects to their proper causes, and to observe, when consequences break forth, from whence they proceed, is no such arduous task. The people of the lowest class may easily feel that they are more miserable this year than the last, and may enquire and discover the reason of the aggravation of their misery; they may know that the army is encreased, or our trade diminished, that the taxes are heavier, and penal laws become more grievous.

Nor is it less easy for them to discover that these calamities are not brought upon them by the immediate hand of heaven, or the irresistible force of natural causes; that their towns are not ruined by an invasion, nor their trade confined by a pestilence; they may then easily collect that they are unhappy only by the misconduct of their governors, they may assign their infelicity to that cause, as the only remaining cause that is adequate to the effect.

If it be granted, my lords, that they may be mistaken in their reasoning, it must be owned that they are not mistaken without probabilities on their side: it is probable that the ministry must injure the public interest when it decays without any other visible cause; it is still more probable, when it appears that among those whose station enables them to enter into national enquiries, every man imputes their calamities to the minister, who is not visibly dependent on his favour. It becomes more probable yet, when it appears that it is the great business of the minister to multiply dependencies, to list accomplices, and to corrupt his judges.

At least, my lords, if it be granted, which surely cannot be denied, that the people may be sensible of their own miseries, it is their part to declare their sufferings, and to apply to this House for relief, and it is our business to discover the authors of them, and bring them to punishment.

That the people are very loud and importunate in their complaints, is daily evident, nor is it less apparent that their complaints are just; if therefore their miseries must have an author, let the defenders of this gentleman point out the man whom they may more properly accuse.

But, my lords, nothing is more evident, than that the crimes and the criminal are equally known, that there is one man predominant in his majesty's counsels, and that it has long been the practice of that man at once to oppress and ridicule the people, to plunder them, and set them at defiance.

Nothing is more known than that this man pretends to a superior knowledge, and exerts a superior power in the management of the public revenues, and that they have been so ill managed for many years, that the expences of peace have been almost equal to those of a most vigorous and extensive war.

Nothing is more probable than that most of the foreign negociations are conducted by his direction, nor more certain than that they have generally tended only to make us contemptible.

That the Excise was projected in his own head, that it was recommended by him upon his own conviction, and pressed upon the legislature by his influence, cannot be questioned; and if this were his only crime, if this were the only scheme of oppression that ever he planned out, it is such a declaration of war upon the public liberty, such an attack of our natural and constitutional rights, as was never perhaps pardoned by any nation.

Nor is it less notorious that the late infamous Convention was transacted by one of his own dependents, that he palliated or concealed the losses of our merchants, that he opposed the declaration of war, and has since obstructed its operations.

On this occasion, my lords, it may be useful to remark the apparent partiality of this gentleman's vindicators, who declare that measures are not to be censured as imprudent, only because they are unsuccessful, and yet when other instances of his conduct fall under our examination, think it a sufficient defence to exclaim against the unreasonableness of judging before the event.

To deny that in the conduct both of

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civil and military affairs he has obtained, I know not by what means, an authority superior to that of any other man, an authority irresistible, uncontrolable, and regal, is to oppose not only common fame, but daily experience. If as commissioner of the treasury he has no more power than any of his associates, whence is it, that to oppose or censure him, to doubt of his infallibility, to suspect his integrity, or to obstruct his influence, is a crime punished with no lighter penalty than forfeiture of employment? as appears, my lords, from the late dismission of a gentleman, against whom nothing can be alleged but an obstinate independence and open disregard of this arbitrary minister.

But happy would it be, my lords, for this nation, if he endeavoured not to extend his authority beyond the treasury or the court; if he would content himself with tyrannizing over those whose acceptance of salaries and preferments has already subjected them to his command, without attempting to influence elections, or to direct the members of the other House.

How much the influence of the crown has operated upon all public counsels since the advancement of this gentleman, how zealously it has been supported, and how industriously extended, is unnecessary to explain, since what is seen or felt by almost every man in the kingdom cannot reasonably be supposed unknown to your lordships.

Nothing can be more contrary to the true notion of the British constitution, than to imagine, that by such measures his majesty's real interest is advanced. The true interest, my lords, of every monarch is to please the people, and the only way of pleasing Britons, is to preserve their liberties, their reputation, and their commerce. Every attempt to extend the power of the crown beyond the limits prescribed by our laws, must in effect make it weaker, by diverting the only source of its strength, the affection of his subjects.

It is, therefore, my opinion, my lords, that we ought to agree to this motion, as a standing memorial not only of our regard for the nation, but of our adherence to our sovereign; that his counsels may be no longer influenced by that man whose pernicious advice, and unjustifiable conduct, has added new hopes and new strength to his enemies, impoverished and exasperated his subjects, inflamed the discontent of the seditious, and almost alienated the affection of the loyal.

The Bishop of *Salisbury*:

My lords, after all the exaggerations of the errors, and all the representations of the mal-conduct, of the right hon. gentleman, after the most affecting rhetoric, and the most acute enquiries, nothing has appeared of weight sufficient to prevail with me to agree to the present motion, a motion, if not of an unprecedented, yet of a very extraordinary kind, which may extend in its consequences to futurity, and be perhaps more dangerous to innocence than guilt.

I cannot yet discover any proof sufficient to convict him of having usurped the authority of first minister, or any other power than that accidental influence which every man has, whose address or services have procured him the favour of his sovereign.

The usurpation, my lords, of regal power must be made evident by somewhat more than general assertions, it must appear from some public act like that of one of the prelates left regent of the kingdom by Richard the first, who, as soon as the king was gone too far to return, in the first elevations of his heart, began his new authority by imprisoning his colleague.

To charge this gentleman with the dismission of any of his colleagues, can, after the strongest aggravations, rise no higher than to an accusation of having advised his majesty to dismiss him, and even that, my lords, stands at present unsupported by evidence, nor could it, however uncontestably proved, discover either wickedness or weakness, or shew any other authority than every man would exercise, if he were able to attain it.

If he had discharged this gentleman by his own authority, if he had transacted singly any great affair to the disadvantage of the public, if he had imposed either upon the king or parliament by false representations, if he had set the laws at defiance, and openly trampled on our constitution, and if by these practices he had exalted himself above the reach of a legal prosecution, it had been worthy of the dignity of this House, to have over-leaped the common boundaries of custom, to have neglected the standing rules of procedure, and to have brought so contemptuous and powerful an offender to a level with the rest of his fellow-subjects by expeditious and vigorous methods, to have repressed his arrogance, broken his power, and over-

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whelmed him at once by the resistless weight of an unanimous censure.

But, my lords, we have in the present case no provocations from crimes either openly avowed, or evidently proved, and certainly no incitement from necessity, to exert the power of the House in any extraordinary method of prosecution. We may punish whenever we can convict, and convict whenever we can obtain evidence; let us not therefore condemn any man unheard, nor punish any man uncondemned.

The Duke of *Bedford:*

My lords; it is easy to charge the most blameless and gentle procedure with injustice and severity, but it is not easy to support such an accusation without confounding measures widely different, and disguising the nature of things with fallacious misrepresentations.

Nothing is more evident than that neither condemnation nor punishment is intended by the motion before us, which is only to remove from power a man who has no other claim to it than the will of his master, and who, as he had not been injured by never obtaining it, cannot justly complain that it is taken from him.

The motion, my lords, is so far from inflicting punishment, that it confers rewards, it leaves him in the possession of immense wealth, however accumulated, and enables him to leave that office in security, from which most of his predecessors have been precipitated by national resentment, or parliamentary prosecution.

There is no censure, my lords, made of his conduct, no charge of weakness or suspicion of dishonesty, nor can any thing more be equitably inferred from it, than that in the opinion of this House his majesty may probably be served by some other person, more to the satisfaction of the British nation.

Though it is not just to punish any man without examination, or to censure his conduct merely because it has been unpleasing or unsuccessful; though it is not reasonable that any man should forfeit what he possesses in his own right, without a crime, yet it is just to withdraw favours only to confer them on another more deserving; it is just in any man to withhold his own, only to preserve his right, or obviate an injurious prescription, and it is therefore just to advise such a conduct whenever it appears necessary to those who have the right of offering advice.

To advise his majesty, my lords, is not only our right but our duty; we are not only justifiable in practising, but criminal in neglecting it. That we should declare our apprehensions of any impending danger, and our disapprobation of public misconduct, is expected both by our sovereign and the people, and let us not by omitting such warnings lull the nation and our sovereign into a dangerous security, and from tenderness to one man prolong or increase the miseries of our country, and endanger or destroy the honour of our sovereign.

Lord *Hervey:*

My lords; this is surely a day destined by the noble lords who defend the motion, for the support of paradoxical assertions, for the exercise of their penetration, and ostentation of their rhetoric; they have attempted to maintain the certainty of common fame in opposition to daily observation; the existence of a sole minister in contradiction to the strongest evidence; and having by these gradations arrived at the highest degree of controversial temerity, are endeavouring to make it appear, that the public censure of the House of Lords is no punishment.

If we take the liberty, my lords, of using known words in a new sense, in a meaning reserved to ourselves only, it will indeed be difficult to confute, as it will be impossible to understand us: but if punishment be now to be understood as implying the same idea which has hitherto been conveyed by it, it will not be easy to shew that a man thus publicly censured is not severely punished, and, if his crimes are not clearly proved, punished in opposition to law, to reason, and to justice.

It has been hitherto imagined, my lords, that no punishment is heavier than that of infamy; and shame has, by generous minds, been avoided at the hazard of every other misery. That such a censure as is proposed by the motion, must irreparably destroy the reputation of the person against whom it is directed, that it must confirm the reports of his enemies, impair the esteem of his friends, mark him out to all Europe as unworthy of his sovereign's favour, and represent him to latest posterity as an enemy to his country, is indisputably certain.

These, my lords, are the evident consequences of the address moved for by the noble lord; and, if such consequences are not penal, it will be no longer in our power to enforce our laws by sanctions of terror.

To condemn a man unheard is an open

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and flagrant violation of the first law of justice, but it is still a wider deviation from it to punish a man unaccused; no crime has been charged upon this gentleman proportioned to the penalty proposed by the motion, and the charge that has been produced is destitute of proof.

Let us therefore, my lords, reverence the great laws of reason and justice, let us preserve our high character and prerogative of judges, without descending to the low province of accusers and executioners; let us so far regard our reputation, our liberty, and our posterity, as to reject the motion.

Several other lords spoke in this debate, which lasted eleven hours; at length the question was put, and on a division, it was carried in the negative: Contents 47, Proxies 12, in all 59. Not Contents 89, Proxies 19, in all 108.*

Protest against rejecting the Motion for the Removal of Sir Robert Walpole.] The following Protest† was entered upon the Journals,

"Dissentient'

1. "Because we are persuaded that a sole, or even a first minister, is an officer unknown to the law of Britain, inconsistent with the constitution of this country, and destructive of liberty in any government whatsoever; and it plainly appearing to us, that sir Robert Walpole has for many years acted as such, by taking upon himself the chief, if not the sole direction of affairs, in the different branches of the administration, we could not but esteem it to be our indispensible duty, to offer our most humble advice to his majesty, for the removal of a minister so dangerous to the king and the kingdoms.

2. "Because we think it appeared in the debate, that, in many instances, of infinite consequence to the interest of the public, he has grossly abused the exorbitant power which he illegally possessed himself of, particularly in the management of the public treasure. And this, we conceive, must plainly appear to every impartial person who recollects, that, for these twenty years past, this kingdom has paid the largest taxes that ever were imposed upon it in the time of peace; and yet that the public debts remain much as they stood at the time when this gentleman first entered upon the management of the treasury; and that the Civil List also, the largest that was ever granted to the crown, is, as we have the strongest reasons to believe, considerably in debt at this time.

3. "Because we conceive it was plainly proved in former debates, that the army, so greatly expensive to this kingdom, and which only was granted by parliament for the defence of it, had been managed, both as to rewards and punishments, in such manner as to make it of no military use, but on the contrary, to render it subservient, as we apprehend, to the very worst of purposes, the influencing elections without doors, and votes within.

4. "Because we are persuaded, that the vast sums of money, granted on different heads for sea service, cannot possibly have been faithfully applied; there having been as much money granted by parliament in the last six or seven years, upon the several heads applicable to the repairing and rebuilding our ships, as would have been sufficient to rebuild the whole fleet of Britain from the keels of the ships, and have put them thoroughly equipped to sea: and yet it is most notoriously true, that, since this war began, a very great number of ships have appeared to be in the worst condition for sea-service that ever they were known to be in the memory of man, and many of them scarcely fit for Spithead expeditions; ships having sailed out of the river, destined, as was pretended, for foreign service, that have with difficulty been able to swim into the docks of Portsmouth or Plymouth for further repairs.

5. "Because we apprehend that, by the conduct of sir Robert Walpole, in relation to foreign affairs during the course of his administration, the balance of power in Europe has been destroyed; the house of Bourbon has been aggrandized in many instances, particularly by the addition of Lorain. The house of Austria has been depressed by the loss of part of the duchy of Milan, and the whole kingdoms of Naples and Sicily: and if such a change in the system of Europe, occasioned by the misconduct of any minister whatsoever, would be criminal, we cannot think it the less so in one who joined in the prosecution of the authors of the treaty of Utrecht, upon the particular charge of having re-

* The Prince of Wales was present, but did not vote; and it was remarked, that several peers who had places under government, particularly the earl of Wilmington, did not divide with either party.

† "The Protest of the House of Lords was drawn up by Bolingbroke." Charles Yorke to Philip Yorke. See Coxe's Memoirs of Sir R. Walpole, vol. 3, p. 564.

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duced the house of Austria too low, and left the house of Bourbon too powerful.

6. "Because it is a fact not to be contradicted, that the Spaniards were permitted quietly to possess themselves of the land belonging to our most important fortress of Gibraltar, which this kingdom was in possession of, by virtue of the treaty of Utrecht, till the last siege of that place, by which permission fortifications were erected, and batteries raised upon the said ground by the Spaniards, whereby the use of the advantageous bay of Gibraltar is lost to England, and our ships ever since forced to anchor both inconveniently and dangerously under the walls of the town; and what naturally raises the strongest suspicions in us of this unwarrantable proceeding, is, that a British admiral, soon after, was at Cadiz with a powerful squadron of ships of the line, at the time the Spaniards thus unjustly broke their treaty, and that admiral quietly and undisturbed left them in possession of that ground, and convoyed their troops to take possession of the dominions of Tuscany.

7. "Because the papers upon our table, delivered to this House from the commissioners of the customs, do plainly prove, that sir Robert Walpole, by publicly conniving for many years at the trade carried on with this nation from the port of Dunkirk, has given up the 9th article of the treaty of Utrecht, which we cannot but look upon as a high misdemeanor, and the greater crime in him, that no man whatsoever declared himself with more passionate zeal than he did, against the authors of the treaty of Utrecht, for having favoured France in most of the articles of that treaty; in consequence of which behaviour, it became peculiarly his duty to preserve inviolably those articles in it, which were incontestibly stipulated for the interest of this crown and nation.——*(Signed)*

Bridgwater, Westmoreland, Macclesfield, Litchfield, Halifax, R. Litchfield and Coventry, Talbot, Buccleugh, Bruce, Mansel, Cobham, Clinton, Denbigh, Falmouth, R. Lincoln, Berkshire, Aylesford, Beaufort, Carlisle, Bathurst, Exeter, Haversham, Abingdon, St. John de Bletsoe, Ward, Greenwich, Gower, Chesterfield, Bristol, Bedford, Hereford."

Debate on a Resolution, "*That an attempt to inflict a Punishment on any Person unheard, is contrary to natural Justice.*"*] After the determination of the foregoing question,

The Duke of *Marlborough* rose up and spoke as follows:

My lords; though your patience must undoubtedly be wearied by the unusual length of this day's debate, a debate protracted in my opinion, not by the difficulty of the question, but by the obstinacy of prejudice, the ardor of passion, and the desire of victory; yet I doubt not but the regard which this House has always paid to the safety and happiness of the state, will incline you to support the fatigue of attention a little longer, and to hear with your usual impartiality another motion.

The proposition which I am about to lay down, my lords, is not such as can admit of controversy; it is such a standing principle as was always acknowledged even by those who have deviated from it. Such a known truth as never was denied, though it appears sometimes to have been forgotten.

But, my lords, as it never can be forgotten without injury to particular persons, and danger to the state in general, it cannot be too frequently recollected, or too firmly established; it ought not only to be tacitly admitted, but publicly declared, since no man's fortune, liberty, or life can be safe, where his judges shall think themselves at liberty to act upon any other principle. I therefore move,

"That any attempt to inflict any kind "of Punishment, on any person without "allowing him an opportunity to make "his Defence, or without any proof of "any crime or misdemeanor committed "by him, is contrary to natural justice, "the fundamental laws of this realm, and "the ancient, established usage of parliament, and is a high infringement of the "liberties of the subject."

The Duke of *Devonshire:*

My lords; though the motion made by the noble duke, is of such a kind, that no opposition can be expected or feared, yet I rise up to second it, lest it should be imagined that what cannot be rejected, is yet unwillingly admitted.

That where this maxim is not allowed and adhered to, rights and liberties are empty sounds, is uncontestably evident; if this principle be forsaken, guilt and inno-

* From the Gentleman's Magazine: compiled by Dr. Johnson.

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cence are equally secure, all caution is vain, and all testimony useless. Caprice will in our courts supply the place of reason, and all evidence must give way to malice, or to favour.

I hope, therefore, my lords, that your regard to justice, to truth, and to your own safety, will influence you to confirm this great and self-evident principle by a standing resolution, that may not only restrain oppression in the present age, but direct the judiciary proceedings of our successors.

Lord *Lovel:*

My lords; liberty and justice must always support each other, they can never long flourish apart, every temporary expedient that can be contrived to preserve or enlarge liberty by means arbitrary and oppressive, forms a precedent which may in time be made use of to violate or destroy it. Liberty is in effect suspended, whenever injustice is practised; for what is liberty, my lords, but the power of doing right without fear, without controul, and without danger?

But, my lords, if any man may be condemned unheard, if judgment may precede evidence, what safety, or what confidence can integrity afford? It is in vain that any man means well, and acts prudently, it is even in vain that he can prove the justice and prudence of his conduct.

By liberty, my lords, can never be meant the privilege of doing wrong without being accountable, because liberty is always spoken of as happiness, or one of the means to happiness, and happiness and virtue cannot be separated. The great use of liberty must therefore be to preserve justice from violation, justice, the great public virtue, by which a kind of equality is diffused over the whole society, by which wealth is restrained from oppression, and inferiority preserved from servitude.

Liberty, general liberty must imply general justice; for wherever any part of a state can be unjust with impunity, the rest are slaves. That to condemn any man unheard is oppressive and unjust, is beyond controversy demonstrable, and that no such power is claimed by your lordships, will, I hope, appear from your resolutions.

Lord *Gower:*

My lords; to the principle laid down by those noble lords, I have no objection, and concur with them in hoping that all our proceedings will contribute to establish it; but why it should be confirmed by a formal resolution, why the House should solemnly declare their assent to a maxim which it would be madness to deny, it is beyond my penetration to discover.

Though the noble lord's position cannot be controverted, yet his motion, if it is designed to imply any censure of the proceedings of this day, may reasonably be rejected, and that some censure is intended, we may conjecture, because no other reason can be given why it was not made at some other time.

The Earl of *Halifax:*

My lords; that a censure is intended will, I suppose, not be denied, and that such a censure is unjust must doubtless be the opinion of all those who are supposed to have incurred it, and it will therefore not be wondered that the motion is opposed by them, as indecent and calumnious: late as it is, my lords, I will not for my part suffer such an indignity without opposition, and shall think my conscience and my honour require, that I should not be overborne by perseverance or by numbers, but that I should, if I cannot convince the noble lords by argument, of the impropriety of the motion, record my reasons against it, which may perhaps be more candidly received by posterity.

Lord *Talbot:*

My lords; it is not without indignation that I hear a motion so injurious to my own honour, and to that of the noble lords who have concurred with me in the last debate, nor without contempt that I observed the motion confounded with the positions contained in it; the low subtility of such conduct is no less to be despised than the malice to be abhorred.

Fifty-nine lords are here branded, as strangers or enemies to the first principle of judicial equity, for doing what will entitle them to the general applause of every man in the kingdom that has the full possession of his understanding or the free use of his senses; of every man that can distinguish truth or feel oppression.

They have endeavoured to rescue their country from the rapine of pensioners, and the tyranny of an army, from perpetual taxes, and useless expences, they have attempted to expose the errors of arrogant ignorance, and to depress the power of greatness founded on corruption and swelling beyond legal restraints.

That for such attempts they are vilified

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and reproached, is not to be observed without indignation and astonishment; astonishment which nothing could abate but the recollection of the situation of those lords who have united to promote so unjust a censure.

Let us, my lords, consider the circumstances of the three noble lords by whom this motion has been made and supported, let us take a view of their conduct, and consider the visible motives to which it may be ascribed, their places, their dependence——

The Earl of *Cholmondeley:*

My lords; I rise thus abruptly to preserve that order and decency which is essential to public counsels, and particularly suitable to the dignity of this assembly, which can only become a scene of tumult and confusion by such methods of debate, and lose that respect which it has hitherto preserved, not only by the justice of its determinations, but by the solemn grandeur of its procedure.

The motion, my lords, is allowed to contain nothing but what every man avows in speculation, and observes, or ought to observe, in public transactions, and yet those that offer and support it are represented as abettors of oppression, and instruments of tyranny.

It is surely wonderful, my lords, that those who are so solicitous for the preservation of their own honour, and so diligent to obviate the most remote reflection that may glance upon it, should not remember, that the same delicacy may raise in others the same resentment, when their reputation is openly attacked; and that while they are asserting the right of the minority to an exemption from censure, they shall not allow the greater number at least an equal claim to the same privilege.

Lord *Talbot:*

My lords; whether any thing has escaped from me that deserves such severe animadversions, your lordships must decide. For what I might intend to say, since by the interruption of that noble lord, I was hindered from proceeding, I hope I shall not be accountable.

Not that I acknowledge myself to have asserted any thing either contrary to law, or to the privileges of the House, or inconsistent with the character of an independent lord, a character which I shall always endeavour to preserve, and which I will not forfeit for the smiles of a court, the dignity of high employment, or the affluences of a pension.

Nor, my lord, whenever the necessities of my country require that I should speak my sentiments with freedom, will I be awed into silence and submission, but will set any power at defiance that shall dare to restrain me.

I pretend not, my lords, to be always in the right, I claim no other merit than that of meaning well, and when I am convinced, after proper examination, that I am engaged on the side of truth, I will trample on that insolence that shall command me to suppress my sentiments.

When I reflect, my lords, on the distresses of my country, when I observe the security and arrogance of those whom I consider as the authors of the public miseries, I cannot always contain my resentment, I may perhaps sometimes start out into unbecoming transports, and speak in terms not very ceremonious of such abandoned, such detestable —— But as this is, perhaps, not the language of the House, I shall endeavour to repress it, and hope that the bounds of decency have never been so far transgressed by me that I should be exposed to the censure of your lordships.

The Earl of *Abingdon:*

My lords; the present motion is undoubtedly just, but by no means necessary, or particularly adapted to the present time. It contains a general principle, uncontested, and established. A principle which this assembly has never denied, and from which I know not that it has ever departed.

As there is therefore no particular necessity of confirming it by a new resolution, and as the present time seems less proper than any other, I cannot but declare my opinion, that to resume it at some other time will be more prudent, than to give the lords who think their conduct censured, any occasion of resentment or discontent.

Lord *Carteret:*

My lords; the maxim laid down in the present motion, is in itself incontestable, and so far from any inconsistency with the former, that as there was no reason for making it, there is, in my opinion, none for opposing it; as it may at any time be made, it may at any time be properly passed: and I hope that our unanimity

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on this occasion will show that truth however unseasonably advanced, will, in this House, be always received.

But, lest the noble lords who have opposed the motion, should think their honour engaged in continuing the opposition, I take the liberty, my lords, to move that the previous question may be put.

Other lords spoke on each side; at last the previous question was put. On a division the numbers were, Content 81, Not Content 54. So that the Resolution moved for, passed without a division.

Protest against putting the said Resolution.] Upon which the following Protest was entered:

"Dissentient'

"Because we think this question ought not to have been put at this time, for though the proposition contained in it is undoubtedly true in itself; yet we apprehend it to be no wise applicable to the point which had been so long debated the same day. For we conceive that public utility may render it necessary that a person should be removed from an office, and yet that removal cannot be deemed a punishment; for instance, in the case of incapacity. Surely then, wilful neglects, breach of duty, and evident malversation in an office, may justly require this great council of state to present an humble address to his majesty for the removal of any person guilty of such crimes, in order to prevent public detriment. And we cannot apprehend, that the motion which occasioned the former debate was by no means void of proofs, since the treaties and papers referred to (being as records in the possession of the House) and the notoriety of many facts alleged, were, in our opinion, equal to a cloud of witnesses. For these reasons, although we agree to the matter contained in the question, and, acting in our judicial capacity, would never err from the rules laid down in it, yet we cannot but wish the question had been laid aside, lest a wicked minister hereafter should think himself secure in his office, if he cannot be brought personally to answer at the bar of this House, and witnesses *viva voce* cannot be produced. Signed by the names as before, with the addition of Sandwich."

DEBATE IN THE COMMONS ON MR. SANDYS'S MOTION FOR THE REMOVAL OF SIR ROBERT WALPOLE: *From the London Magazine.**] February 18. Mr. *Sandys*† stood up and delivered himself as follows:

Sir; among the many advantages arising from our happy form of government,

* This Report is not so full as the one given in the Gentleman's Magazine, by Dr. Johnson. It appeared, however, *eleven months* earlier; and it is fair to conclude that the Doctor derived considerable assistance from it.

† "On the 11th of February, Sandys, who is justly called by Smollett 'the motion-maker,' left his seat, and crossing the floor to the minister said, that he thought it an act of common attention to inform him, that he should on Friday next bring an accusation of several articles against him. Walpole thanked him for the information. Soon afterwards Sandys stood in his place, and acquainted the House, that he intended on the ensuing Friday to open a matter of great importance, which personally concerned the chancellor of the exchequer, and therefore hoped that he would on that day be present.

"The minister immediately rose, and received the intimation with great composure and dignity, thanked him for his notice, and after requesting a candid and impartial hearing, declared, that he would not fail to attend the House, as he was not conscious of any crime to deserve accusation. He laid his hand on his breast and said, with some emotion,

'Nil conscire sibi, *nulli* pallescere *culpæ*.'

"Pulteney observed that the right honourable gentleman's logic and Latin were equally inaccurate, and declared that he had misquoted Horace, who had written *nullâ pallescere culpâ*. The minister defended his quotation, and Pulteney repeating his assertion, he offered a wager of a guinea; Pulteney accepted the challenge, and referred the decision of the dispute to the minister's friend Nicholas Hardinge, clerk of the House, a man distinguished for classical erudition. Hardinge decided against Walpole, the guinea was immediately thrown to Pulteney, who caught it, and holding it up to the House, exclaimed, "It is the only money which I have received from the treasury for many years, and it shall be the last." [Anecdote communicated by George Hardinge, esq. son of Nicholas Hardinge.—Account by sir Robert Walpole.—Etough's Papers.—Correspondence.—Tindal, vol. 20, p. 486.—Chandler, 1740-1, p. 63. This guinea was carefully preserved by Mr. Pulteney, and is now in the possession of sir William Pulteney, bart.]

"The public expectations were raised to the utmost pitch, the passages to the gallery were crowded at a very early hour, the concourse was prodigious. Several of the Commons secured their seats at six in the morning, and no less than 450 members attended on this

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there is one which is reciprocal to king and people, which is, a legal and regular method by which the people may lay their grievances, complaints, and opinions, before their sovereign; not only with regard to the measures he pursues, but also with regard to the persons he employs. In absolute monarchies, the people may suffer, they may complain, but though their sufferings be public, their complaints must be private: they must not so much as murmur against their king's measures or ministers;

important occasion. The debate was opened at one o'clock." Coxe's Memoirs of sir R. Walpole.

The following particulars respecting this very important Debate are taken from Mr. Coxe's Memoirs of Sir Robert Walpole: Original Correspondence, vol. 3, p. 562.

THE REV. HENRY ETOUGH TO THE REV. DR. BURCH.

Containing sir Robert Walpole's account of the Debate on the motion for his removal.

"My worthy friend Mr. Fowle, who married sir Robert Walpole's niece, was very deservedly much in his esteem and confidence; in a letter from him, dated February 7th, 1756, it is thus written:—I lately met with, prepared by sir Robert Walpole himself, a narrative of the motion against him, for an address to his majesty for the dismissing him from his council and presence, a copy of which is herewith inclosed. An exact transcript follows.

"On Wednesday the 10th instant, February 1740-41, Mr. Sandys stood up in his place in the House, and acquainted them that he intended, on Friday following, to open a matter of great importance, that personally concerned the chancellor of the exchequer, and therefore he hoped he would be that day in his place. Sir Robert Walpole immediately rose up, and thanked Mr. Sandys for the notice he gave him, and said he would not fail to be at that time in the House; and concluded with—'nil conscire sibi, nullâ pallescere culpâ.'

"Accordingly yesterday, at about one o'clock, Mr. Sandys opened what he had to say, by expatiating in general terms on the ill state of our affairs both at home and abroad, which proceeded, as he pretended, from the negociations and treaties ever since the year 1725, when the treaty of Hanover was made; from the debts not being paid; and from the present management in carrying on the war with Spain; and concluded, that as sir Robert Walpole had been minister ever since that time, and sole minister, he must have been the chief adviser of the measures pursued; and therefore moved that an humble address should be presented to his majesty, to remove sir Robert Walpole from his counsels and presence for ever. He was seconded by lord Limerick. After that a motion was made, that sir Robert Walpole should be immediately heard and then withdraw.

"This was strongly opposed, on the account of the unprecedented manner of proceeding, in charging a gentleman in general terms, by

speeches only, without stating particular facts as crimes, or bringing any evidence to prove them, or him to be the author and adviser of them; and then to expect that he should withdraw; and after that other members may be at liberty to stand up and allege other things, in the same general way, against him, without his being present to hear and make his defence. In a little time the egregious absurdity of this motion made the proposers drop it without any division.

"Afterwards a great and a long debate ensued upon the main question, and sir Robert Walpole's friends exposed, in a strong and masterly way, the violence and injustice of proposing to have a member of the House, and a person of his high station, punished by the loss of his character and reputation, by general allegations, which were not proved to be crimes, and which had received, in former examinations and debates, the approbation and consent of parliament; and in making sir Robert Walpole the author and adviser of the things alleged, as prime or sole minister, without any other evidence but that of notoriety or common fame. After a debate which lasted till near 3 o'clock this morning, the main question for the removal of sir Robert Walpole from his majesty's counsels and presence for ever was put—Yeas 106; Noes 290.—Great numbers of the Tories went away, and many of them that staid voted against the question.—Thus far is sir Robert Walpole's account.

"The following is a List of those who voted against the motion, and who withdrew.

"*Voted.*—C. Gore, T. Gore, sir H. Packington, H. Mackworth, P. Mackworth, B. Mansell, Banks, Rolles, Marshall, Southwell, Bowes, lord Cornbury, sir William Heathcote, Perry, William Moor, Rutherford, Cartwright, Whichcote, lord William Manners, Noel, Noel, Viner, sir G. Oxenden, Compton, Sibthorp.

"*Withdrew.*—Shippen, lord Guernsey, E. Harley, R. Harley, sir E. Bacon, Wodehouse, Taylor, Taylor, sir H. Northcote, sir William Courtnay, sir C. Mordaunt, sir J. Dashwood, lord Quarendon, Hilton, Vernon, William Noel, Brown, Fenwick, lord Gage, C. Stanhope, sir N. Curzon, Prowse, C. Pelham, sir H. Smithson, Wright, Smith, Wigley, lord Chetwynd, H. Waller, Chaffin, Carew, Proby, Levinz, lord Andover, Houblon, Bathurst of Gloucestershire, — of Sarum, lord Arch. Hamilton, lord Baltimore, lord Carnarvan, sir William Irby, Evelyn, Eliot, Montagu.

"Had all these, agreeably to the constant tenor of their opposition, voted for the motion, the majority would have been reduced to 263, and the minority raised to 176."

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if they do, it is certain perdition to the few that are guilty of so much indiscretion. This is a most terrible misfortune to the people in all absolute monarchies, and occasions those severe punishments and cruel tortures, which are so frequent in all such; but it is a misfortune to the absolute monarch, as well as to the people under his despotic sway, for as he has no way of coming at the knowledge of the unpopularity of his measures or ministers, he often goes on pursuing the same measures, or employing the same ministers, till the discontents of his people become universal and furious; and then, by a general insurrection, he and his ministers are involved in one common ruin. However upright his intentions may have been, however much he may have been imposed on by his ministers, an impetuous, domineering mob can seldom make any difference; the despotic monarch himself, and sometimes his whole family, are borne down by the impetuosity of the torrent, and become a sacrifice to the resentment of an injured populace.

In this kingdom, Sir, it can never be so, as long as the king allows parliaments to sit regularly and freely, and the members of this House perform faithfully the duty they owe to their king, their constituents, and their country. As members of this House, Sir, we are obliged to represent to his majesty, not only the grievances but the sentiments of the people, with regard to the measures he pursues, and the persons he advises with or employs in the executive part of our government; and therefore, whilst we sit here and do our duty, no general discontent can arise, without his

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JOHN ORLEBAR TO THE REV. HENRY ETOUGH.

Account of the Debate on the Motion to remove sir Robert Walpole.

"(February 14th, 1740-1.) Sir Robert had yesterday a triumph at least equal to, if not greater, than ever he had.—A motion was made in both Houses in the very same words—to address the king to remove him from his counsels and presence for ever. That in the House of Commons by Mr. Sandys, seconded (as I was told it was to be) by Littleton; in the other House, they say, by lord Carteret, seconded by lord Abington. I have not been particularly informed of what passed in the House of Lords; but in the other House, as I learn from some of both sides, no motion was ever worse supported: even all the life and spirit was against it. Lord Cornbury, Mr. Harley, Mr. Bowes, and Mr. Southwell, spoke against it; and the two Mr. Gores, aldermen Perry and Marshall, Mr. Mackworth, sir Herbert Packington, and sir George Oxenden, divided against it. It is supposed that 30 or 40 of the Tories did not vote all; among whom, Shippen and the lord mayor are reckoned. It is computed that there were once near 450 members in the House; but upon the division, there were only 106 for the address, and 290 against it; which, with the tellers and speaker, make but 401. The numbers upon the division in the other House were 89 against, and 47 for it. As this event has given me the utmost pleasure, I dare say it will give you no less; and therefore would not delay giving you an account of it, till I could be more particular. I look upon the business of the session to be now over; and that the minority will immediately disband. It was said, before this question came on, that the Tories disliked it, and called it a blood-sucking measure; it seems to me an infatuation to persist, when they were not sure of all hanging together."

ROBERT TREVOR TO HORACE WALPOLE.

Apprehensions in Holland on the Motion for the removal of sir Robert Walpole, and joy on its defeat.

"(Hague, March 7, 1741.) Never did the English mail bring more agreeable news than that of the 17th past O. S. People here did not know how much they loved sir Robert, till they had frightened themselves into the thoughts of losing him; and now they have recovered a little from their panic, they hardly know how to express their joy sufficiently; and I can assure you, it is as well behind my back as before my face, that his health is now daily toasted here."

CHARLES YORKE TO PHILIP YORKE.

Debate on the Motion for removing sir Robert Walpole.

"Thursday evening. You cannot conceive how much pleasure and information I received from your exact and accurate accounts of what passed in both Houses of Parliament on Friday last. I should imagine, if what one heard of lord Carteret's inclinations before was true, that he moved the question in some sort against his opinion. I find it is agreed on all hands that Mr. Pulteney spoke indifferently. But I am told much better things of sir Robert, and that in that particular only, do the other relations of the affairs, which I have seen differ from the committer's dispatch. Indeed, I cannot help thinking, but he must have had the greatest reason in the world to exert himself, because it is impossible he should be otherwise than in good spirits; for, before he could rise to speak, he must have heard the event of the motion in the House of Lords, and have understood the temper of many of those who compose the minority in the House of Commons."

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majesty's being informed of its causes, and of the methods for allaying it; if we neglect to do so, or from selfish motives abstain or delay giving his majesty a proper information and advice upon any such occasion, we neglect or betray not only our duty to our country and constituents, but also our duty to our sovereign.

This, Sir, is my opinion; this must be the opinion of every man who has a true notion of our constitution; and therefore I can no longer delay making you the motion, with which I shall conclude what I have to say upon this occassion. I believe, there is not a gentleman of this House, who is not sensible, that both the foreign and domestic measures of our government, for several years past, have been dissatisfactory to a great majority of the nation, I may say to almost every man in the nation, who has not been concerned in advising or carrying them on. I believe, there is not a gentleman in this House, if he will freely declare his sentiments, who is not sensible, that one single person in the administration has not only been thought to be, but has actually been the chief, if not the sole adviser and promoter of all those measures. This is known without doors, as well as it is within, and therefore the discontents, the reproaches, and even the curses of the people, are all directed against that single person. They complain of our present measures; they have suffered by past measures; they expect no redress; they expect no alteration or amendment, whilst he has a share in advising or directing our future. These, Sir, are the sentiments of the people with regard to that minister; these sentiments we are in honour and duty bound to represent to his majesty; and the proper method for doing this, as established by our constitution, is to address his majesty to remove him from his counsels.

Sir, if the general discontent, which hath arisen against this minister, were but of yesterday, or without any just and solid foundation, I should expect it would soon blow over, and therefore should not think it worthy of the notice of parliament; but it has lasted for so many years, was at first so well founded, and has every year since been gathering, from his conduct, so much additional strength, that I have for several sessions expected such a motion, as I am now to make, from some other gentleman, more capable than I am to enforce what he proposes; but as no gentleman has hitherto attempted it, and as this is the last session of this parliament, I was unwilling it should expire without answering the people's expectations, which, in this respect, are so just, so well founded, and so agreeable to our constitution; therefore, I hope I shall be excused for attempting what I think my duty, as a member of this House, and as a friend to our present happy establishment.

After what I have said, Sir, I believe no gentleman can mistake the person I mean; I am convinced every one supposes I mean the honourable gentleman, who sits upon the floor, over against me; and the whole House may see, he takes it to himself. Against him there is, I believe, as general a popular discontent, as ever was against any minister in this kingdom; and this discontent has lasted so long, that I must say, his having withstood it for so many years, is no great sign of the freedom of our government; for a free people neither will nor can be governed by a minister they hate or despise. As I am only to propose an Address to remove him from his majesty's counsels, I have no occasion to accuse him of any crime; the people's being generally dissatisfied with him and suspicious of his conduct, is a sufficient foundation for such an Address, and a sufficient cause for his majesty's removing him from his counsels; because, no sovereign of these kingdoms ought to employ a minister, who is become disagreeable to the generality of the people; and when any minister happens to become so, it is our duty to inform his majesty of it, that he may give satisfaction to his people, by the removal of such a minister.

However, Sir, though I shall not at present charge this minister with any particular crime, I must beg leave to examine a little into his conduct, in order to shew, that the discontents of the people are not without foundation: and if it be true, what was and is still generally supposed, it must be allowed, that the methods by which he first advanced himself to the high offices he has ever since enjoyed, were such as could not but be offensive to every honest man in the nation. The making and unmaking the famous Bank Contract;* the screening from condign punishment those who, by their wicked and avaricious execution of the trust reposed in them by the South Sea Scheme, had ruined many thousands: the lumping

* See Vol. 7, p. 669.

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of public justice, and subjecting the less guilty to a punishment too severe, in order that the most heinous offenders might escape the punishment they deserved; and the giving up to the South Sea Company the sum of seven millions sterling, which they had obliged themselves to pay to the public, a great part of which sum was given to old stockholders, and consequently to those who had never suffered by the Scheme; were the steps by which he was supposed to have risen to power, and such steps could not but raise a general distaste at his advancement, and a dread of his administration.

Thus, Sir, he entered into the administration with the general disapprobation of the people; and I am sure, his measures since have been far from restoring him to their love or esteem. As he began, so has he gone on, oppressing the innocent, imposing upon the credulous, screening the guilty, wasting the public treasure, and endangering the liberties of the people. All this I could evince from every step of his administration, from the beginning to this very day, but I shall confine myself to some of the most remarkable instances. In general, I shall observe, that by his advice and influence a much greater army has all along been kept up than was necessary for the support of our government or consistent with our constitution, and even that army often augmented without any real cause: that many squadrons have been fitted out, to the great expence of the nation, and general disturbance of our trade, without any just cause, and I believe, without so much as a design to employ them effectually, either against our enemies, or for the assistance of our allies: that every method proposed of late years for securing our constitution against our most dangerous enemy, corruption, has been by his means, rejected, or rendered ineffectual; whilst, on the other hand, many penal laws have been passed, which have reduced a great number of his majesty's subjects under the arbitrary power of a minister and his creatures: that almost every article of public expence has been encreased by the addition of new and useless officers; and all enquiries into the management of any public money, either prevented or defeated: that Votes of Credit at the end of a session of parliament, which have always been thought of dangerous consequence to our constitution, have by him been made so frequent, that few sessions have passed without one: that the expence of the Civil List has been vastly increased since the beginning of his administration, though it was then much greater than it had ever amounted to in former times. To these, Sir, which are all of a domestic nature, I shall add, with regard to our foreign affairs, that ever since his advice began to be prevalent in our foreign affairs, the trade and particular interest of this nation have in all treaties and negociations been neglected, the confidence of our most natural allies disregarded, and the favour of our most dangerous enemies courted: and that to this most unaccountable conduct, the present melancholy situation of the affairs of Europe is principally to be ascribed.

I know, Sir, it will be objected, that as every material step in the late conduct of our public affairs, either at home or abroad, has been authorized or approved of by parliament, what I have said must be looked on as a general charge against his majesty's counsels and our parliaments, rather than a personal charge against any one minister; but this, upon a due consideration, becomes the most heavy, and the most evident charge against the minister I aim at. According to our constitution, we can have no sole and prime minister: we ought always to have several prime ministers or officers of state: every such officer has his own proper department; and no officer ought to meddle in the affairs belonging to the department of another. But it is publicly known, that this minister, having obtained a sole influence over all our public counsels, has not only assumed the sole direction of all public affairs, but has got every officer of state removed that would not follow his direction, even in the affairs belonging to his own proper department. By this means he hath monopolized all the favours of the crown, and engrossed the sole disposal of all places, pensions, titles, and ribbons, as well as of all preferments, civil, military, or ecclesiastical.

This, Sir, is of itself a most heinous offence against our constitution: but he has greatly aggravated the heinousness of his crime; for, having thus monopolized all the favours of the crown, he has made a blind submission to his direction at elections and in parliament, the only ground to hope for any honours or preferments, and the only tenure by which any gentleman could preserve what he had. This is so notoriously known, that it can stand in need of no proof. Have not many deserv-

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ing gentlemen been disappointed in the preferment they had a just title to, upon the bare suspicion of not being blindly devoted to his personal interest? Have not some persons of the highest rank and most illustrious characters been displaced, for no other reason than because they disdained to sacrifice their honour and conscience to his direction in parliament. As no crime, no neglect, no misbehaviour could ever be objected to them, as no other reason could ever be assigned for depriving the crown of their service, this only could be the reason. Nay, has not this minister himself not only confessed it, but boasted of it? Has he not said, and in this House too, that he would be a pitiful fellow of a minister who did not displace any officer that opposed his measures in parliament?

Can any gentleman who heard this declaration desire a proof of the minister's misconduct, or of his crimes? Was not this openly avowing one of the most heinous crimes that can be committed by a minister in this kingdom? Was it not avowing that he had made use of the favours of the crown for obtaining a corrupt majority in both Houses of Parliament, and keeping that majority in a slavish dependance upon himself alone? Do not we all know, that even the king himself is not, by our constitution, to take notice of any man's behaviour in parliament, far less to make that behaviour a means by which he is to obtain, or a tenure by which he is to hold, the favour of the crown? And shall we allow a minister not only to do, but openly to avow, what he ought to be hanged for, should he advise his sovereign to do so? It is by means of this crime, Sir, that the minister I am speaking of has obtained the authority or approbation of parliament in every step of his conduct, and therefore that authority or approbation is so far from being an alleviation, that it is a most heavy aggravation of every wrong step which he has thus got authorised or approved of by parliament. For this reason, in considering any particular step of his conduct, its being authorised or approved by parliament can have no weight in his favour, whatever it may have against him. If the step was in itself weak or wicked, or if it now appears from its consequences to have been so, its having been approved of, or authorised by parliament, must be supposed to have proceeded either from his having misled the parliament by false glosses and asseverations, or from his having over-awed a majority by means of that crime which he has since openly avowed.

Having thus obviated an objection that may be made against any particular accusation, as well as against the general accusations I have already mentioned, I shall just hint at some of the particular branches of misconduct he has been guilty of in the long course of his administration; and among these, the small progress we have made in the discharge of our public debt most justly deserves the first place. It is really surprizing, that the national debt should now be as much, if not more than it was in the year 1725, when our minister first took it into his head to pull down the overgrown power of the house of Austria. In the year 1716, the public debt was computed to amount to no more than 47,894,950*l.* but by some articles then omitted, and by many extraordinary allowances afterwards made, especially those relating to army-debentures, in which this gentleman had a very remarkable share, the public debt, as it then stood, was made to amount to 51,000,000*l.* Of this sum there was, in or before the year 1725, paid off about 5,000,000*l.* which reduced it to 46,000,000*l.* and as the sinking-fund was to receive a great addition in the year 1727, by the reduction of interest, we had a prospect of having a great part of our public debts paid off in a few years, especially as the tranquillity of Europe, or at least of this nation, seemed to be established by the treaty concluded that year at Vienna, between the emperor and the king of Spain. But our minister was, it seems, sensible of the power and influence he acquired by means of this load of debt, and by the many taxes imposed for the payment of it. He knew that these taxes, while they continue, must always make a great number of officers and placemen necessary; and as he had the placing, preferring, and displacing of all these officers at his arbitrary will and pleasure, he knew what weight this gave to his influence, both at elections and in parliament. For this reason he has employed all his art to prevent our being able to pay off any part of our old debt, or if we paid off with one hand, he has taken care to make us contract as much with the other, so that the national debt is now much about the same, or rather more, than it was in the year 1725, though the nation had never, in all that time, been involved in any extraordinary expence, but what has been unneces-

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sarily brought upon it by his art or misconduct.

I say, Sir, his art or misconduct, either of which is certainly a most sufficient cause to remove him from his majesty's counsels; but I am apt to believe there was something of art or design, as well as misconduct in it; for he really seems to have been afraid of having our debts diminished, for fear of the consequence, which must have been that of abolishing some of our most burdensome and pernicious taxes; otherwise it was impossible he could have taken so much pains as he did, to defeat a Scheme offered a few years since by a worthy member of this House,* for reducing the interest payable upon the national debt, and for putting the whole upon a certain footing of being discharged in a course of years, without its being in the power of any such minister as he to prevent it. To find fault with the defeating of this Scheme, may likewise be said to be an accusation brought against this very parliament; but it is well known by whom, and by whose influence it was defeated. I am pretty sure, it is the general opinion without doors, that it was not by the influence of argument; but if the defeat was owing to that influence, as I hope it was, I am convinced, that most of those who were swayed by that influence, are now sensible of their error, and heartily wish they had considered better of it; for I am afraid we shall never again meet with so favourable an opportunity.

But, Sir, the next step of misconduct I shall take notice of, is of a different nature; it is a step that happened not to meet with the approbation of parliament, though I do not question its having been supported and enforced by all the methods usual of late years, in such cases. I make no doubt but every one, who possessed or hoped for any place or office under the crown, were threatened with a disappointment to their hopes, or the loss of the places they possessed, if they voted against it; and my reason for not doubting of this is, because several noblemen and gentlemen were the very next year turned out of every place the crown could take from them, for no other apparent reason, but because they or their friends voted against that ministerial project; and, so far as I can recollect, I do not remember, that any one who voted against it has ever since obtained a favour from the crown, unless it be such, as have, by their conduct since, shewn, that they heartily repented of their stubbornness at that time. I believe every one that hears me will suppose I mean the Excise-Scheme,* which was certainly one of the weakest, or one of the wickedest projects that was ever set on foot, or countenanced, by any minister in this kingdom. If our minister was sensible of the great power that Scheme would have placed in the hands of a minister, and had really formed a design to overturn by that means the liberty of the people, he ought to be not only removed, but punished for his wickedness; and if he was not sensible of the danger that would accrue from that scheme to our constitution, if he had really no view, but the precarious hope of thereby making a little addition to the public revenue, particularly to the civil-list, I must say, his weakness was amazing; for it shewed, that he neither understood the genius of our constitution, nor the genius of our people. If he had understood the genius of our constitution, he could not but be sensible of the destructive effects that Scheme must necessarily have had upon it: if he had understood the genius of our people, it is impossible to suppose, he would have advised his majesty to have forfeited the affections of the whole people, for the sake of making an uncertain, and at best, but a trifling addition to the public, or civil-list revenue.

Thus, Sir, if he had never been guilty of any other crime or oversight, for this project alone he deserves at least to be removed from his majesty's counsels; and the resentment he shewed against those, who voted against this his favourite Scheme, is a proof, of what he now publicly avows, that he has made use of, that he will make use of, the favours of the crown, for obtaining a corrupt majority in both Houses of Parliament. What happened upon this occasion, is an evident demonstration, that he has by such means already got, in a great measure, the nomination of the Sixteen Peers to represent the peerage of Scotland in the other House of Parliament. We may remember, that seven or eight of the sixteen, who then sat in the other House, declared openly against this Scheme, and prevailed with most of their friends in this, to vote against it: what was the consequence? every one of them, though they had great personal interest among the

* Sir John Barnard, see the Debate, Vol. 10, p. 62.

* See Vol. 9, p. 1.

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peers of Scotland, were, at the next election, excluded by this minister's interest from being rechosen; and every one of them that enjoyed any post, during the pleasure of the crown, had the honour to be dismissed his majesty's service; I say, the honour, because, in such a case, I think it is the greatest honour the crown can bestow.

It would be endless, Sir, to recount every false step this minister has made in the conduct of our Domestic Affairs, and therefore I shall mention only one more, which is the seeming approbation he procured, but two years ago, from parliament, of that Convention, which he had just before concluded with Spain. As the Convention itself relates to our Foreign Affairs, I shall not here enter into the merits of it: I shall here consider only the method he took to obtain a seeming approbation of it from parliament, which was by the strongest asseverations, that the Spanish court was sensible of its having been in the wrong to this nation; that its agreeing to pay 200,000*l.* as he reckoned it, to us in name of damages, was an acknowledgment of its having been in the wrong; and that his Catholic majesty and his ministers were strongly and sincerely inclined to do us justice, with regard to the future security of our trade and navigation in the American seas; from whence he concluded, that though we had not got all we might expect by the Convention, which was but a preliminary treaty, yet it was a good foundation to build on, and might probably, if the House agreed to the Address then moved for, produce a solid and lasting peace; whereas, if the Address should be disagreed to, the immediate consequence would be a war with Spain.

I may appeal, Sir, almost to every gentleman who hears me, if this was not the strength of the argument in favour of that Address: I may appeal to many that voted for it; if their depending upon the truth of these asseverations was not the only reason for their agreeing to so much as a seeming approbation of that infamous Convention; but from the consequences, and likewise from the Papers, imperfect as they are, laid before us, it now appears, that there was not the least ground for any of these asseverations. It appears, that Spain insisted upon having our navigation in the American seas regulated, that is to say, they insisted it should not be free: that Spain insisted upon our South-Sea Company's paying them a most unjust demand of 68,000*l.* which reduced the sum they were to pay us by the Convention, to 27,000*l.* and this was not near the value of the ships they had before acknowledged to have been unjustly taken from us, and had actually dispatched orders to the West Indies for their restitution, as appears upon the face of the Convention itself: so that their agreeing to pay this sum was far from being even a tacit acknowledgment of their having no right to stop and search our ships upon the high seas, and to seize and confiscate them, if they had any of those goods on board, which the Spaniards are pleased to call contraband; it was only an acknowledgment, that some of our ships had been, even upon this footing, unjustly seized, which the Spanish court had expressly acknowledged, long before the Convention was thought of: these, Sir, were the terms the Spaniards insisted on: and they farther insisted, as now plainly appears, that we should keep no squadron at Gibraltar or Port Mahon, notwithstanding their being now a part of the British dominions; from whence they would, I suppose, have taken occasion in a short time to insist, against us at least, that they had a dominion over the Mediterranean, as well as the American seas, and that our ships should not sail in the former no more than in the latter, but by their leave, and according to such directions, or if you please, regulations, as they should prescribe.

These, I say, Sir, were the terms of peace the Spaniards insisted on; unless we should agree to these hard and dishonourable terms, the Spanish court never shewed the least inclination to live in peace with us, as appears from the whole tenor of our negociations previous to the Convention. Can we suppose that our prime and sole minister was ignorant of this? Can we suppose that he believed or imagined, that a safe and honourable peace could be concluded with Spain upon the footing of the Convention, or upon any other footing, whilst they continued to insist upon such conditions? What, then, can we think of the argument he made use of for obtaining from parliament a sort of approbation of his Convention? Must not we conclude, that for this purpose he asserted what he knew to be false? And shall we suffer a man to sit, and to bear the chief sway in the counsels of our sovereign, who, in order to impose a dishonourable treaty upon his king and country, asserted in open

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parliament what he knew to be absolutely false?

I shall now beg leave, Sir, to take notice of some of the most remarkable errors, if not crimes, in our minister's conduct, with regard to foreign affairs. Here, too, his administration began with a measure that could not but be disagreeable to the people, because it was dishonourable to the nation: it began with a treaty of peace with Spain, by which we agreed to restore the ships we had taken from that nation in an open and just war; and with a negociation, I shall not say an engagement, to restore Gibraltar and Port Mahon, without stipulating any thing for the advantage of this nation, or obtaining an explanation of those treaties, which even then had been misrepresented on the part of Spain. Soon after this, he entered into that close friendship and correspondence with the court of France, which, to the infinite disadvantage of this nation, has continued ever since, and which has now at last brought the balance of power into the utmost danger, if not to inevitable ruin. But the most remarkable and the most pernicious of all his pernicious measures was, the conceit he took into his head in the year of 1725, that the house of Austria was grown too powerful, and ought therefore to be pulled down. This conceit, whether his own, or of French original, made him infuse into his late majesty those frightful notions of the dangerous but impracticable engagements, which the emperor and Spain had entered into, by the treaty concluded between them at Vienna in that year; and this produced the treaty of Hanover, which loaded this nation with the expence of several useless squadrons, a great addition of useless regular troops, and which was the most useless of all, a great body of Hessian troops for several years, and large subsidies to foreign princes, whilst our allies the French, who had certainly more to fear than we had, from that conjunction between the courts of Vienna and Madrid, neither put themselves to any expence, nor picked any quarrels either with Spain or the emperor; but pursued their trade in safety, during the time that our trade to Spain was entirely stopt, and our trade to every other part of the world interrupted by Spanish privateers, fitted out and manned by French subjects.

I need not mention particularly the several negociations, preliminaries, pacifications, conventions and treaties, which this treaty of Hanover gave birth to, for every negociation we have carried on, and every treaty we have concluded since that time, may be said to proceed from that original; and every one of them may justly be called a true copy of the original. They have been a perfect series of blunders, and, like a nest of pill boxes from Germany, seem to be enclosed in one another, with nothing but emptiness in any of them; for I defy any man to shew me one advantage this nation has reaped from any treaty we have negociated for 20 years past. From the last treaty, indeed, I mean the Convention, it may be said, we have reaped some advantage, because it forced us into a war, which is certainly more eligible than the destructive and dishonourable method of negociation we had for so many years before been involved in; and this war might have been attended with a real advantage, if our minister had thought fit to push it either with vigour or common discretion; but in the prosecution of the war he has acted more weakly, or more wickedly, than he did in the time of peace: in time of peace, he made us become the scoff of the nations around about us, by the tediousness and perplexity of his negociations: in time of war, he has made us an object of scorn to our enemies, and an object of pity to our friends, by the vastness of his preparations and the pusillanimity of his actions. Our trade has been both oppressed and neglected for the sake of fitting out mighty squadrons, and our squadrons have been sent out, either with orders to do nothing, or without materials proper for doing any thing. By this conduct, Sir, our enemies have been enriched with our spoils, and our own people oppressed with armies, which either should not have been raised, or should have been sent out to vindicate the honour of their country. Shall we in this House sit still and see the counsels of our sovereign directed by a minister, who has thus, both in peace and war, exposed our country to scorn and derision?

I beg pardon, Sir, for taking up so much of your time; but the subject is so copious, that it is difficult to pick out those facts that are most proper to be mentioned; and every part of his long administration is full of such oppressive and dangerous schemes, or such unaccountable blunders, that it is not easy for one who has a true regard for his king and country, to pass any of them over in silence. I have mentioned but a few; what I have mentioned will shew, that the discontents

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of the people are far from being groundless; but suppose they were, they would nevertheless be a sufficient foundation for the address I am to propose; for no man, who has been so unfortunate as to incur the public hatred, ought to have any share in his majesty's confidence or counsels. If his majesty were sensible of it, I am sure, he has such a regard for the affections of his people, that he would not allow such a man to approach his person or palace; and as it is our duty to inform his majesty, how detestable this minister is to the majority of his people, we ought to take the proper way for giving our sovereign this information, which is, by addressing him to remove such a minister from his counsels.

But farther, Sir, suppose this minister had never been guilty of any crime, error, or oversight in his public conduct; suppose the people had all along been perfectly pleased with his administration, yet the very length of it is, in a free country, sufficient cause for removing him. It is a most dangerous thing in a free government, to allow any man to continue too long in the possession of great power: most common-wealths have been overturned by this very oversight; and in this country, we know how difficult it has often proved, for our parliament to draw an old favourite from behind the throne, even when he has been guilty of the most heinous crimes. I wish this may not be our case at present; for though I shall not say, nor have I at present any occasion for shewing, that the favourite I am now complaining of has been guilty of heinous crimes, yet I will say, that there is a very general suspicion against him, that this suspicion is justified by the present situation of our affairs both at home and abroad, and that it is ridiculous to expect, that any proper discovery should be made, as long as he is in possession of all the proofs, and has the distribution of all the penalties the crown can inflict, as well as of all the favours the crown can bestow. Remove him from the king's counsels and presence; remove him from those high offices and power he is now possessed of; if he has been guilty of any crimes, the proof may then be come at, and the witnesses against him will not be afraid to appear: till you do this, it is impossible to determine, whether he is guilty or innocent; and, considering the universal clamour against him, it is high time to reduce him to such a condition, as that he may be brought to a fair, an impartial, and a strict account. If he were conscious of his being entirely innocent, and had a due regard to the security and glory of his master and sovereign, he would have chose to have put himself into this condition long before this time: since he has not thought fit to do so, it is our duty to endeavour to do it for him; and therefore I shall conclude with moving,

"That an humble address be presented "to his majesty, that he will be graciously "pleased to remove the right hon. sir "Robert Walpole, knight of the most "noble order of the garter, first commissioner for executing the office of treasurer of the exchequer, chancellor and "under-treasurer of the exchequer, and "one of his majesty's most honourable "privy council, from his majesty's presence and counsels for ever*."

* Mr. Coxe has given the following Report of Mr. Sandys' Speech from the Walpole Papers:

Substance of Sandys' Speech, 13th of February 1741, on moving to remove sir Robert Walpole from the king's presence and counsels; taken by Henry Fox.

"Mr. Sandys lamented the miserable condition of the nation, engaged in a war, without any ally abroad, and under the pressure of an immense debt at home; said he would enquire how we came into this situation, and then make the proposal which he had before acquainted the House with his design of making upon that day.

"In inquiring how we came into this unhappy state, he would first our foreign then our domestic affairs, and lastly the conduct of the present war. As for the first, we had abandoned and lost our old and natural allys, and this by the treaty of Hanover; for though it was often said indeed*, that all the misfortunes of our foreign negociations were primarily owing to the treaty of Utrecht, yet he was of another opinion, and had the highest authority for saying that we had, since that time, and during this administration, been, with respect to foreign powers, in a most desirable situation; for such was the description of it, in the late king's speech to his parliament in 1724, as charmed every English ear: but this happiness did not last long. The Vienna treaty was made in the beginning of the next year; and we, who might, by a very little dexterity, have duped France, who has duped us so often,

* (N. B. He likewise mentioned the congress of Cambray, the sending back the Infanta, and our refusing the mediation; but I took no note of what he said on these subjects.)

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Mr. *Henry Pelham:*

Sir; as we have often been threatened with some such motion as this, I have for a long time expected it with impatience, because I imagined, they who thus threatened had made some discoveries, which the world had never been in the least apprised of. I little expected they would have attempted to blacken the character of an hon. gentleman, who has served his country for many years, in many high

instead of doing so, by the treaty of Hanover, slung ourselves into her arms; and England's affairs seem ever since to have been managed by a French interest. Fleets sent, one to the Baltick, another to the West Indies, to insult, and only to insult the czar and the king of Spain. The three pretended secret articles of the Vienna treaty, which produced that of Hanover, were the setting up the Ostend company, the taking Gibraltar, and the placing the Pretender on the throne. But when Gibraltar was besieged, what assistance had we from France? He was inclined to believe no help was so much as demanded, because we knew none would be granted. Dunkirk repaired, was likewise an instance of their faith. He then mentioned the preliminarys, and the act of the Pardo, and then the first complaint from the merchants of depredations, when the parliament thought fit to recommend pacific measures only. Then followed the treaty of Seville, by which Spanish troops were to be introduced into Italy. Don Carlos went thither; but we gained nothing. Commissarys only were appointed: and when the parliament, in 1732, addressed to know what progress they had made, his majesty's answer was, that they were to meet in four months; but by the delays of Spain, the conferences were not opened till 1734, a proof of Spanish fidelity; yet we had introduced the Spanish troops according to our treaty with the emperor and states general in 1731. We then guaranty'd the pragmatic sanction, and engaged to support the emperor in all his dominions, but saw him lose Sicily and Naples, saw France get Lorrain, and the power of the House of Austria, which had been ridiculously magnified in order to vindicate the Hanover treaty, pulled down, and brought into its present low and miserable situation.

"That great man, admiral Vernon, saw this, and advised against France in this House; for which reason it was contrived that he should not be of the next parliament; and he was likewise denyed his rank. Then came the second complaint of depredations, and the year following the Convention; on which occasion he repeated most of the objections made to that treaty, which he called one of those expedients on which the minister seemed to live from year to year. When this was broke, the order was at first for reprisals only, sir Robert W. being then at Houghton, and negociations, as he believes, still going on; but soon after followed the present war.

"As to domestic affairs, he began with stating the national debt in 1716, then mentioned the debts of the army, which, computed at 400,000*l.*, came out, by the ingenuity of the commissioners appointed to state them, to be two millions; then the S. S. scheme, in which too we followed a French, with this difference, that our S. S. did us harm and no good, and their Mississippi paid their debts; he then stated the debts and sinking fund in 1727, and said that the national debt was exactly the same now as it was then, although the sinking fund had since that time produced no less than 15 millions, spent in Spithead expeditions and Hide-park reviews. Then he came to the entrance into and conduct of the present war. Vernon, a country gentleman, was the only man who could be found fit and willing to be sent to the West Indies, but yet was not perfectly restored to his rank, as he now hoped he would be. He went, satisfyed with fair promises of being supported and supplyed, and sailed from Plymouth on the 3d of August 1739, with letters of reprisal only, for the war was not declared till October. In September, some bomb vessells had been sent after him, but no provisions or stores. On the 15th of January, those bomb vessels arrived at Jamaica. On March the 18th he writes for more supplys. His letters on the table shew'd how ill he was supplyed, and likewise his opinion of what he might have done, had he had more of those land forces which were deny'd him, though Mr. Sandys knew no use they were of at home but to oppress the people. America was the only place to act on the offensive in.

"He then mentioned Haddock, and that there were complaints for want of supplys there too; he spoke of the escape of the Cadiz and the Ferrol squadrons; he commended Haddock's care in furnishing the trade with convoys, but complained much of the want of them from hence, and of cruizers in the channel.

"These things being thuss, he would name the author of them; for though he had considered the difficultys and envy of personal attacks, yet he should obey the voice of the people, and act, he said, like an honest man, and like an Englishman, in making this motion (he himself a private man, protected only for his innocence) against one, armed with all power and authority, who usurped a regal power, and had aimed at and possessed himself of a place of French extraction, the place of sole minister, for such he was acknowledged to be by all the world, and would take it ill to have it disputed upon any other occasion. If parliament had given a sanction to some of the acts he had mentioned, lord Oxford had, notwithstanding such sanction, been accused by that gentleman. Parliaments were not infallible; but, like other courts, upon finding they had been led by false

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offices, and in three several reigns, and always, in my opinion, with great wisdom and integrity: I say, I little expected to find any attempt made to blacken such a gentleman's character, upon bare surmises and general arguments, which have been all fully answered, again and again, both within doors and without; and I must say, I am very much surprised to find this attempt made by gentlemen, who have never been suspected of being enemies to our present happy establishment. If the nation had now again been so unfortunate, as to have a majority of this House consisting of such as were secret enemies to the Protestant succession, I should not have wondered to find this gentleman's character attacked, as it has been once before by such men: I should not have wondered to have heard a motion made for removing him from his majesty's counsels and presence, for this very reason, because he has shewn, that he deserves to be there; but I am surprised to hear such a motion made by those, who have always professed, and I believe sincerely professed, themselves friends to our happy constitution, and to that upon which it depends, our present happy establishment; because such a motion upon such a slender foundation I take to be inconsistent with both.

I shall grant, Sir, that this House may address the king to remove any one of his servants: I shall grant, we have precedents for such an Address: but I will say, the precedents are very few, and I believe, no one upon our Journals for removing a minister, who was not accused of something that was acknowledged to be a crime. Is this the case at present? Has the hon. gentleman who made you the motion, mentioned any one particular fact that is acknowledged to be a crime? He says, the gentleman he desires to be removed, is an unpopular minister: that he has incurred the hatred of the people in general: and that no man ought to be continued in his majesty's counsels or presence, who has had the misfortune to do so. This argument, Sir, has, I think, the misfortune to labour under two imperfections. The premises I must look on, as a sort of begging the question; and the conclusion is not, I think, deducible from the premises. The hon. gentleman, whose conduct is the subject of this debate, may not, perhaps, be the minion of the mob, which no minister ever can, who pursues, wisely, steadily, and invariably, the true interest of his country; especially if he continues for a great number of years to have a principal share in the administration: the populace in all countries love to be diverted with changes, and astonished with extraordinary events; and therefore they are apt to grow weary of a minister who continues long in place, and does not, with or without reason, involve his country in war, which is the only method by which he can entertain them with wonderful events. But that this gentleman has incurred the hatred of the better sort of people in general, I believe, will appear to be a mistake, by the fate of this very motion; for as the members of this House are their representatives, I shall always judge of their sentiments by what appears to be the sentiments of the majority of this assembly.

However, suppose, Sir, it were indubitably true, that this minister had incurred the displeasure of the majority of all ranks of people, I do not think this a good reason for branding his character with such a stigma, as an Address of this House to remove him from his majesty's counsels and presence for ever. A famous poet, who shewed himself a good politician, as well as an excellent judge of mankind, has, in talking of a virtuous man, laid this down as a maxim;

> "Non sumit aut ponit secures
> Arbitrio popularis auræ."

The people, even those of the better sort, are but very bad judges of a man's virtue or wisdom, and they are much worse judges of a minister's conduct in political affairs; for in order to judge rightly of this, we must have a thorough knowledge, not only of the interests and circumstances of our country, but of the circumstances, interests, and views of all the foreign courts we have any thing to do with; and in order to know the views of foreign courts, we must be perfectly acquainted with the characters of those who bear the principal sway at each. Can we suppose any man of in-

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informations, might alter their opinions. But why must all these things be imparted to one man? Because he was known to have taken ev'ry thing, ev'ry branch of government into his own hands. For his part, he had received personal civilitys from him, and had no private cause to wish him ill; but he could not but think it necessary for the welfare of this country, that he should no longer continue in his majesty's counsels who had bewildered himself in treatys, and broke his word with ev'ry court in Europe; he therefore moved that an humble address, &c."

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ferior rank to have such a knowledge? It is a knowledge, Sir, that can be acquired by none but those of high rank, or such as have been in some eminent station; and therefore we are not to condemn the conduct of a minister, for no other reason but because it is complained of by the majority of the people, nor ought such a general complaint to be admitted as a good reason for removing him from the king's councils or presence. Among the many other perfections of our constitution, this is one, and none of the least, that the common-wealth is not to be deprived of the service or advice of a wise and faithful magistrate or minister, for no other reason, but because a general, but groundless clamour has been raised against some parts of his conduct; therefore, whatever clamours may have been raised against some parts of his conduct, they ought not of themselves to be of any weight in this debate, even though it were proved, that the hon. gentleman, now desired to be removed, had all along had not only the chief, but the sole direction of all our public affairs, which has not been attempted to be proved, though I confess, it has been strongly asserted; but if I should take upon me to assert the contrary, I must think I have an equal title to be believed, because, considering how long, and in what stations I have served his majesty, my knowledge of the fact must be at least as well founded, and I hope, my veracity is equally to be depended on.

The grounds of the clamours and complaints, either within doors or without, are therefore to be strictly examined, because they are the only arguments that can have any weight in this debate; and as there has been nothing new advanced upon this head, whatever pleasure gentlemen may take in repeating the objections that were made, at the respective and only proper times, to the several steps of our public conduct now complained of, I hope, Sir, they will pardon me, if I do not take up your time with repeating the answers then made to them, which were so satisfactory that all the measures now complained of, except, I think, but one, met with the approbation of one or both Houses of Parliament, or with the final approbation of either; but, so far as it proceeded, it met with the approbation of this House, and it was not dropt because it was bad in itself, but because of the spirit that had been raised against it without doors. In all countries there are certain prejudices which nothing but absolute power can get the better of. In this country a general excise has been made such a bugbear, that the people are frightened at every thing which has but the least resemblance of it; and this was the case with regard to the new method then proposed for raising the duties upon wine and tobacco, which might as well have been called a general massacre as a general excise. A general excise, Sir, is when a duty is laid upon every thing a man can eat, drink, or consume; and that duty raised not upon the importer and manufacturer, but upon the retailer and consumer. This indeed would be a terrible grievance: but was there any thing like this in the Excise Scheme? At that time there were, and are still, heavy duties upon wines and tobacco: these duties had before been raised by way of custom upon the importation, which had occasioned great frauds and abuses; therefore, to prevent these frauds, and to encourage the fair trader, it was proposed to raise them, for the future, not upon the consumer, for this would have looked something like a general excise, but upon the retailers, and upon them only. This, I still think, Sir, was neither a bad, nor an oppressive, nor a dangerous scheme; but if, upon a more mature deliberation, it had appeared to be so, the honourable gentleman, who at first patronised it, is not to be condemned, because as soon as he saw that the people thought it so, though he perhaps thought otherwise, yet he freely gave it up. Ministers, Sir, are not infallible: No good minister will pretend to be so; and therefore, the most we can expect is, that they should alter their conduct as soon as they discover their error. One of the wisest and greatest sovereigns we ever had, though advised by a very good and able minister, fell into an error: I mean the Case of Monopolies, in queen Elizabeth's time; but as soon as she discovered it, she corrected it, and upon that occasion made such a speech, by way of answer to the Address of this House, as ought to be hung up in the cabinet of every sovereign prince.* The parliament was so far from condemning the minister, for his having advised these Monopolies, that this House sent a solemn deputation to thank the queen for revoking her patents, in answer to which she made the speech I have mentioned. Therefore, supposing the Excise Scheme to have been a very bad one, we

* See Vol. 1, p. 940.

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have no reason to blame any minister for it; because it was given up as soon as it was found to be disagreeable to the people.

As to the methods that were taken in the year 1721, for restoring public credit, and for punishing those who had brought it to the very brink of destruction, they were so much approved of at that time, both within doors and without, that I am surprised to hear them now complained of. The public credit was in a short time effectually and amazingly restored, and the guilty were condignly punished, without either severity or partiality; and by reducing the interest payable to the proprietors of the South Sea Stock, as it was then augmented and established, a most extraordinary advantage has accrued to the public. These facts are so notorious, and the arguments in favour of what was done at that time, are so recent in every man's memory, that I should not trouble you with proofs of the former, or a repetition of the latter. And for the same reason, I think it unnecessary to trouble you with a re-justification of the Hanover treaty, or any of the measures consequent thereupon. But as to the complaint relating to the Convention, and the arguments made use of in favour of the address proposed, when that treaty was under the consideration of this House, as it is something new, I shall beg leave to make some few remarks upon it.

In the first place, I must observe, Sir, that those who make this complaint seem to have forgot the station in which the honourable gentleman, whose character is now attacked, has always served his majesty. Even suppose he were, as they represent him, the chief and sole minister, it would be impossible for him to govern and direct all our foreign negociations, as well as all the affairs of the treasury. He must leave the management of our foreign affairs to others, and must take his information, as to facts, from those that are entrusted with the management of them; therefore, when he is to talk of them in this House, or any where else, he may be imposed on as well as others; and consequently, suppose he had said in this House, that his Catholic majesty was inclined to live in peace with this nation, or that the Spanish court seemed willing to agree to reasonable terms for securing our trade and navigation in the American seas, when in fact it appeared to be otherwise, we are not from thence to conclude positively, that he affirmed what he knew to be false: it would be more charitable, and I am sure, more consonant to his character to suppose, that he had himself been imposed on, and that he had given more credit to our negociators, for he was himself none of them, than they deserved.

But, Sir, I am still of opinion, that the facts were not otherwise. I am convinced his catholic majesty himself was inclined to live in peace with this nation; and I am convinced the court of Spain would have given us security for the freedom of our trade and navigation in the American seas, if any method could have been contrived for preventing the illicit trade carried on with their settlements in America. This a little time might probably have produced, if the people here could have been prevailed on to have had patience, and in that case, the Convention would have proved a good foundation for a solid and lasting peace; but nothing would satisfy the people here, but immediate satisfaction and security, or an immediate war. We know who they were that instigated the people to be so peremptory in their demands; and I shall not scruple to own it as my opinion, that, by the violent spirit stirred up among our people here at home, our ministers, of whom the gentleman now complained of is but one, were, in some measure, forced into measures that have since forced the nation into a war.

Gentlemen may say what they please of the sum of money agreed by Spain to be paid to us, for the damages we sustained by the depredations; but, Sir, I will now again affirm, that they agreed to pay us 200,000*l.* and would have immediately given orders for the payment of it upon their governors in the West-Indies; but we know the tediousness of these payments, therefore we insisted upon having it in ready money, and upon that condition we agreed, I think, wisely agreed, to allow 45,000*l.* for prompt payment, which reduced the 200,000*l.* to 155,000*l.* and out of this it was both reasonable and just, to allow them to deduct what was due to them, on account of the ships agreed to be restored to them by the treaty in 1721, amounting to 60,000*l.* which reduced what they had agreed to pay to us on account of damages to 95,000*l.*

Thus, Sir, it appears, that they had actually allowed us 200,000*l.* in lieu of damages. This was a great deal above the value of all the ships they had ever before acknowledged to have been unjustly seized or taken from us; and therefore, their

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agreeing to pay us this sum, was a tacit acknowledgment of their having been in the wrong; and without any regard to what was due to them from our South Sea Company, the balance as I have stated it, and as it was stated by the Convention, would I believe, have been paid to us at the time appointed, if we had recalled our squadron from Gibraltar; but, considering the violent spirit that prevailed here at home, our ministers could not venture to do so, for fear of having our domestic tranquillity disturbed by some furious, popular commotion; and the court of Spain looking upon the continuance of our squadron at Gibraltar as an insult upon their crown and kingdom, refused to pay the 95,000*l.* stipulated by the Convention. That they had no right to look upon our keeping a squadron at Gibraltar as an insult, is certainly true; for as it is now the property of Great Britain, we may always keep a squadron there if we please; but as we had never before done so, as we had never sent or kept a squadron there, unless when we had a dispute with some of the neighbouring powers, and as we had then no dispute with any neighbouring power, except Spain, it was naturally to be supposed, I believe all Europe did suppose, that we kept our squadron there, with a design to oblige the Spaniards to perform punctually what they had promised by the Convention; and in this light it must be admitted, that the court of Spain had some reason to look upon it as an insult; for, though I should be very ready to do a man justice, I should not like to have him stand with his cane over my head till I did it: I should certainly disdain to do him justice, as long as he stood in that posture.

From hence we may see, Sir, that the arguments made use of in favour of the Address proposed, when we had the Convention under our consideration, can be no objection to the character of the hon. gentleman attacked by this motion; and as to our conduct of the war, it is, I am sure, what he has nothing to do with, any other way than as being one of his majesty's council; so that whatever can be said against our conduct of the war, must militate against every member of his majesty's privy council as much as against him. But the chief, and, indeed, the only proper charge that has been made against him is, his having endeavoured to obtain a corrupt influence over a majority in both Houses of Parliament; for that he has already obtained such an influence, will not, I hope, be expressly affirmed, however strongly it may be insinuated. This is, indeed, a heavy charge; but surely gentlemen do not expect we should take this upon their *ipse dixit*. It is a fact which, if true, may certainly be proved: let any one member of this House rise up, let any one who has been a member come, and say, that the person now accused ever desired him, or tempted him either by threats or promises to vote against his conscience in parliament; and we shall then have it in our power to consider the weight of the evidence offered; but surely we ought not to condemn a man upon a general charge unsupported by any proof.

The gentlemen, it is true, Sir, who have brought this charge, have offered two things in support of it, which require an immediate consideration. The one is, a sort of presumptive proof, and the other, a pretended confession. I shall beg leave to examine both; and first, as to the presumptive proof, they say that several persons, and some of high rank, have been turned out of every office and employment they held at the pleasure of the crown, for no other apparent reason, but because they or their friends opposed this minister's measures in parliament. Here, Sir, I must observe, that the king has, by our constitution, an unlimited prerogative to employ what servants or officers he pleases in the executive part of our government, and may employ or displace whom he pleases without asking the advice of any minister; and therefore, the exercise of this power can never be charged to the account of any minister. I shall grant, that the turning a gentleman out of his post in the service of the crown, for voting according to conscience in parliament, or for opposing any court measure he could not approve of, would be a very wrong and a dangerous exercise of his prerogative; but at the same time I must take notice, that an opposition in parliament may be such, as will afford a just and legal reason for turning the opposer out of the service of the crown: when it is indiscreetly and indecently carried on, or when the opposition proceeds not from honour or conscience, but from mere resentment, because the gentleman has met with a denial in some suit, which his majesty did not think fit to grant. In either of these cases, even a man's behaving or voting in parliament, will be a good reason for dismissing him the service of the crown. Besides these, a gentleman may be guilty of several sorts of offences no way relating to

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his behaviour in parliament, which highly deserve a dismission from the king's service; and though his majesty inflicts the punishment, he may, from his natural tenderness, and in pure charity to the offender, be prevailed on not to publish or declare the offence. Therefore, when a member of parliament is dismissed the service of the crown, though his majesty does not think fit to declare the offence, it is a breach of charity in us, and a failure in duty to our sovereign, to suppose, that his majesty dismissed him for no other reason, but for pursuing the dictates of his honour and conscience in parliament.

Now, Sir, with regard to the pretended confession or declaration, which has been represented as such a heinous crime. Suppose the hon. gentleman had made use of the very words that have been mentioned, we ought not surely to take them in a wrong sense, if they will bear a good one; and therefore we ought to suppose, that he meant, by opposing a minister's measures in parliament, not an opposition that proceeded from a conviction of their being wrong, but an opposition that proceeded from mere resentment, from a factious spirit, or from a secret design to compel the king to comply with some unreasonable request; and in either of these cases, I will join with the hon. gentleman in saying, that he would be a pitiful fellow of a minister, if he did not advise the king to dismiss from his service, a man who made such an unworthy use of his seat in either House of Parliament.

I have now, I think, shewn, Sir, that no particular crime has been so much as alleged, much less proved, against the gentleman whose character is proposed to be stigmatized by an address of this House; that no material objection has been made against any part of his conduct, but what has been before answered to the satisfaction of the nation, as well as of this House; and I hope I have fully answered every thing new, that has been started in this debate; therefore I must think, that our agreeing to this motion would be a most signal breach of our constitution, and a most dangerous encroachment upon the prerogative of the crown. We know, Sir, what a ferment was raised in the nation in a late reign, by a proceeding of this sort; we know how it was then declared, "That addressing the king to displace his friends upon bare surmises, before the legal trial, or any article proved, is illegal, and inverting the law, by making execution go before judgment."* Do not now let us fall into the same error, lest it should produce the same effects.

Before I conclude, Sir, I must take notice of the argument drawn from the length of time this gentleman has had a share in the administration: if the form of our government were altogether republican, there might be some weight in this argument; but this is another advantage of our happy constitution, that an able, a good and wise minister or magistrate may be continued in the service of his country, for his whole life, without any danger to our constitution, because the attachment of the people to their king and royal family, will always prevent any bad effects from his ambition: and the controul of a master or sovereign, as well as of two Houses of Parliament, will always prevent his being guilty of very enormous practices; or will at all times, even when he is in the zenith of his power, be able to discover and punish them, if he should: so that there is as little in this argument, as in any other that has been advanced in favour of this motion; and therefore I shall give my negative to the question.

Sir *John Barnard:*

Sir; before this motion was made, I expected, and I find I am not disappointed, that endeavours would be used to persuade the House, that we ought not to address for removing a minister, unless we have such proofs against him, as may be a sufficient ground for impeaching him. This seems to be the scope of the argument made use of by the hon. gentleman who spoke last, and if this were to be admitted, there never could be any such thing as an Address to remove a minister; for if a minister has been guilty of crimes, and if any member of this House should have information thereof, and sufficient evidence for supporting the charge, he ought not to move for an Address to remove such a minister; it would be his duty to lay his information fully before the House, and to conclude with a motion for impeaching him, either of high treason, or of high crimes and misdemeanors, according to the nature of the charge. The most weak, the most continued series of blundering conduct, could never be admitted as a foundation for addressing our sovereign to remove him; and thus, if he continued in the favour of his prince, which is not at all

* Legion Letter. See vol. 5, p. 1254.

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impossible, he might go on blundering, till he had blundered himself, his king, and his country into irretrievable perdition.

I shall grant, Sir, that this House has seldom proceeded to address for the removal of a minister, unless he was suspected of something that was acknowledged to be criminal, but this did not proceed from its being necessary to allege something criminal as a foundation for such an Address, but because weak ministers are generally wicked as well as weak: by their weakness they run themselves into measures which they find they cannot justify, and for which they ought to be removed, and then to prevent their removal, they lead themselves into measures for which they ought to be punished. This is the true reason why such addresses have generally been founded upon the suspicion of wickedness as well as weakness; because when there were two reasons for removing a minister from the king's counsels, the House was certainly in the right to insist upon both. But let it be weakness, or let it be wickedness, for which a minister is to be removed, will any gentleman say, that it is necessary to mention particular facts, and that we ought to have a proof of these facts, before we can address for the removal of a minister? The hon. gentleman talks of bare surmises and general arguments, as if they could not afford the least ground for such an Address. Sir, they not only afford some ground, but they are the only ground upon which such an address can be founded; because when there is any thing farther than a bare surmise, we ought, as I have said, to go farther than a bare address.

But by such an Address, it seems, we are to blacken the character of an hon. gentleman who has served his country for many years, and during several reigns, with great wisdom and integrity. It is a great misfortune, Sir, to those who have so high an opinion of his wisdom and integrity, that the general voice of their country is against them, and that the situation of affairs both at home and abroad, seems to be a demonstrative proof against them; but let the hon. gentleman's character for wisdom and integrity be ever so great, it cannot be blackened by the address of this House, because a man's character does not depend upon what a court of justice does or refuses to do against him, but upon the opinion the world has of what a court of justice ought to do. Should we address the king to remove one that is generally supposed to be an upright and wise minister, would that address blacken his character? No, Sir, it would only blast our own. Should we refuse to address the king to remove one who is generally thought to be a weak and wicked minister, would that refusal brighten his character? No, Sir, but it would blacken the character of this House in the eyes of all those who had such an opinion of him.

I hope gentlemen will consider this, and if they do, I am sure, they must reflect more seriously upon the constitution of this House than they seem to do, when they say, that the sentiments of the majority of the better sort of people in the nation, are to be judged of from what appears to be the sentiments of the majority of this House. It is well known, Sir, how unequally the nation is represented in this House. I believe it will be allowed, that the cities of London and Westminster, the borough of Southwark, and the county of Middlesex, contain at least one fifth of the people of the whole nation, yet they have but ten representatives in this House, which makes not quite a 55th part of the number of members in this assembly; and, what is very remarkable, I believe it will appear, whatever may be the fate of this motion, that of these ten, there will be eight upon the affirmative side of the question. If we consider our counties and great cities, and compare them with our little boroughs, the disproportion will be found almost as great, which shews, that we ought not to judge of the sentiments of the better sort of people, from what appears to be the sentiments of the majority of this House; and if we consider, that several gentlemen of this House take upon them to vote, in many questions, against the declared sentiments of their constituents, the fallaciousness of this way of judging will appear still more apparent. Therefore, I would not have gentlemen plume themselves too much in a majority of this House, or conclude from thence, that they have a majority of the better sort of people upon their side of the question; for if the members of this House are to be supposed to speak the sentiments of their constituents, and if we consider the places, and not the persons, that vote upon each side of the question, it will appear, that the sentiments of the majority of the better sort of people are often very different from what appears to be the sentiments of the majority of this House.

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If we judge by this rule, Sir, which is the only proper way of judging, we shall find, that this minister's conduct, almost in every remarkable step, with regard both to foreign and domestic affairs, has been disapproved of by a great majority of the better sort of people in the nation, though not by a majority of this House; and I am sure, no man who knows any thing of what passes without doors, will pretend to deny his being complained of, and even exclaimed against by a great majority of the people. In former times, Sir, 'Vox populi est Vox Dei,' was held to be a maxim among all those who called themselves Whigs; and even ministers themselves, of whatever denomination, were obliged to shew a great regard to it; but since we have fallen into the custom of keeping up numerous standing-armies, this maxim has been despised by our ministers, even by those ministers that called themselves Whigs, and the populace, or what ministers and their friends call the mob, has been held in contempt, as if it were possible to suppose, that the populace, or meaner sort, can be generally discontented, when the better sort are generally pleased with the conduct of our public affairs. The populace in all countries are the servants, and, unless when agitated by some flash of enthusiastical madness, speak the sentiments of the better sort. The latter, as they have something to lose beside their lives, may not, perhaps, be so ready to break out, or to fall into outrageous measures against an established government, but, except in the case I have mentioned, the meaner sort, or the mob, never become outrageous, unless they are spirited up by the discontents and secret grumblings of their masters. A wise and a good minister will always, therefore, aim at popularity, even amongst the meanest sort of people, because from them he may most certainly learn his real character among those of the better sort. The former have nothing to hope for by flattering him, and much less to fear than their masters, from uttering those complaints openly and freely, which are in a secret or indirect manner, instilled into them by those that give them bread.

The people, I shall grant, Sir, are in all countries fond of changes of ministers or magistrates. In free countries they are fond of them, because such changes are necessary for the security and preservation of the rights and liberties of the people; and in absolute governments, as ministers and magistrates are generally oppressive, the people have reason to be fond of any change. This fondness is therefore in all countries founded upon solid reasons, and accordingly we find, that people of all ranks and degrees, except ministers, and their creatures, are equally fond of such changes; but to say, that the people of any degree, in a country that subsists by trade and industry, delight in war, is, I think, a very great mistake. If we examine the histories of our own country, we shall find that the nation has been led into unnecessary and destructive wars by the whims of a court, and that by the same sort of whims, we have sometimes remained at peace, when we ought to have declared war; but we shall never find, that the people in general were for entering into an unnecessary war, or for our continuing in peace when it appeared necessary to declare war. In king James 1st's time, it was certainly the interest of this nation, and would have redounded very much to our honour, to have supported the protestant interest in Germany, by entering heartily into that war; but we had at that time such a pacific court, that neither the honour nor interest of this nation, nor the safety of the protestant religion, could prevail with our court to declare war, or to give the protestants any effectual assistance. What did the people do upon that occasion? did not they declare almost unanimously for war? did not they exclaim against the then ministers, for allowing the Palatine family to be ruined, and the protestant religion extirpated both in the Palatinate and in Bohemia. In king Charles 2d's time, we were involved by our court in two wars against the Dutch: I believe, no man will now say, they were necessary: I believe it will now be admitted, that both were contrary to the true interest of this nation, and destructive to the balance of power in Europe: accordingly, the people declared against both. And lastly, Sir, I believe, we all remember, how generally the people declared for a war with Spain, long before our minister could be prevailed on, either by the insults of Spain, or the complaints of our own people, to declare war against that nation. The event has shewn, that the people were in the right. What had been often foretold in this House, at last appeared to be true, that without a war it would be impossible to obtain either satisfaction or security from the Spaniards; and surely it must now be allowed, that if we had begun this war eight years ago, when the emperor was attacked by the

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Spaniards in Italy, it would have been greatly to our honour, as well as advantage, and might have prevented the present melancholy posture of affairs in Europe.

Thus, Sir, if we examine our own histories, we shall find that at all times, when our ministers and people have differed in opinion with regard to war or peace, the people have generally been in the right; and for this it is easy to assign a reason, because the people can be directed in their judgment by nothing but the general interest, whereas ministers are too often directed by particular interest of their own, or by the particular interest, perhaps the particular whim of their sovereign, in complying with which, ministers are apt to be extremely complaisant, for the sake of continuing themselves in power, especially when they think, they can by corruption, or any other method, prevent their being called to an account in parliament.

From hence, Sir, we may see, that the unpopularity of our minister does not proceed from an unreasonable fondness in our people for war, or from any childish desire of being astonished with extraordinary events, but from their having judged better, and more disinterestedly, of the circumstances of our foreign affairs, and the true interest of their country; and if he has incurred the displeasure of all ranks of people, upon this or any other account, his character is already branded: It cannot be farther branded by an address of this House to remove him: on the contrary it may by that means be vindicated; because after his removal, and not till then, a strict and impartial enquiry may be made into his conduct, and by that enquiry his character may be cleared of those suspicions that now lie so heavy upon it. This, I say, may be the consequence of the Address proposed, and then he may again be employed by his majesty; but whilst he labours under a general suspicion of weakness or wickedness, will any one say, he is fit for being in his majesty's counsels, and far less for being his majesty's sole adviser? Let the people be never so bad judges of a man's virtue or wisdom: let the clamours against the minister's conduct be never so groundless, can his majesty expect any confidence from his parliament, while his counsels are directed by a minister against whom there is a general suspicion and clamour.

Surely, Sir, if there be any connexion between the sentiments of the majority of this assembly, and the sentiments of the people: if we are to judge of the sentiments of the people, by what appears to be the sentiments of the majority of this assembly, we may on the other hand, judge of what will be the sentiments of the majority of next parliament, from what are the present sentiments of the people; and if the majority of next parliament should consist of such as have the same opinion of this minister as the people generally have, can his majesty expect any confidence from such a parliament? Can it be expected that they will trust the government of their country to a man, who, they think, will ruin it by his weakness, or betray it by his wickedness? Sir, the chusing of a new parliament, whilst such a minister is, or is supposed to be the sole director of our counsels, must necessarily be of the most dangerous consequence, either to our happy constitution, or to our present happy establishment. If the people are left to their free choice, in the present humour they are in, they will certainly chuse such for their representatives as have been the most professed and steady enemies to him; and among them a majority may get in of such as are secretly disaffected to the illustrious family now upon our throne, which would certainly be of the most dangerous consequence to our present happy establishment. On the other hand, if the people should not be left to their free choice, if they should be directed in their choice by corruption, and other illegal practices, and thereby a majority should be chosen consisting of such as are the creatures and tools of the minister, what might we not apprehend from such a majority during the long course of a septennial parliament? Could we expect, that such a majority would have any regard to the liberties and privileges of the people? Must we not expect, that they would put an end to our happy constitution, when we consider, that the future safety both of themselves and their patron would depend upon its final overthrow?

It is so apparent to me, Sir, that one or other of these dangers must be the consequence of having a new parliament chosen, whilst such an unpopular minister is at the helm of affairs, that I cannot believe any man, who considers the question in this light, will be against it, unless he be a secret enemy, either to our constitution, or to our present establishment. If there be any amongst us, as I hope there are not, who are afraid of having our constitution restored to its pristine vigour, by

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the choice of an independant and free parliament, they have reason to be against this motion; and I am sure, if I were a Jacobite in my heart, there is nothing I should wish more eagerly than to see a negative put upon the question, because I should from thence expect, that my friends would stand a fair chance, in every part of the kingdom, of getting themselves chosen members of this House at the next ensuing elections.

I hope I have now shewn, Sir, that the minister, proposed by this motion to be removed, must be allowed to be a very unpopular minister; that his character can be no way blackened by this Address farther than it is already, but, on the contrary, may be cleared of the cloud of suspicion which now hangs lowering over it; and that his continuance in power must be of the most dangerous consequence, either to our constitution, or to our present establishment. I have no occasion to prove, and, indeed, it is impossible to prove, that he is the chief adviser and sole director of all our public affairs: it is sufficient for my argument, if he be generally supposed to be so; and that this supposition is generally without doors, is apparent from the continual application made to him in all branches of public business: no man, we see, expects to get any business done with, or obtain any favour from the crown, without making some sort of application to him; for if he puts a negative upon it, that negative has often been found to prevail against the strongest interest that could any other way be made in its favour. This is the case, this has long been the case, with regard to all affairs of a domestic nature; and with regard to those that are foreign, do not we know, that some very near friend of his has been employed in all our negociations that were of any great importance to the nation? Our other ministers may, perhaps, have had from him the liberty to nominate a resident, or an envoy to some of the northern crowns, or to some of the little princes of Germany or Italy; but when any important negociation was set on foot with Holland, France or Spain, every one knows who they are that have been always employed, and by whose recommendation they were appointed; and our many fruitless negociations, and as fruitless treaties, have sufficiently testified their great abilities.

These circumstances, Sir, have most justly created a general supposition, that this minister has been for many years, and is still, the sole director of all our public affairs; and this supposition it will be impossible for our other ministers to remove by simply asserting, that it is not so. I have, Sir, a very great opinion of their veracity; but this does not depend upon their veracity, but their judgment; because an artful minister may make them believe, they act freely and without direction, when all but themselves see they can do nothing without his consent or connivance. However, I must tell them, that they have not in this case an equal title with others to be believed, because their own honour is very much concerned in the question; for as a prime minister is inconsistent with our constitution, when any one minister, by his favour with the prince upon the throne, usurps the sole direction of all our public affairs, no man of honour will then continue in the administration, because he does not then serve his prince, but his prince's prime minister. This is what no man of any pretence to honour will confess, and therefore, when he asserts the contrary, he has not an equal title to be believed with those, who are neither in honour nor interest concerned in the question.

I therefore wish, Sir, that some honourable gentlemen would save themselves the trouble of denying, that our public affairs are now under the sole influence of this minister, because considering some late circumstances, and their known interest in the question, they cannot expect to be believed, and because the very supposition of its being so, is sufficient for the argument I have advanced. The very supposition that this minister is a sole and prime minister, must expose our present establishment to danger at the next general elections; but this is far from being the only danger we are exposed to by this minister's continuance in power. We know the present ticklish state of the affairs of Europe: we know what a danger the balance of power is now in; and we know what a discredit his past conduct has brought upon our counsels at every court in Europe. If he is supposed to continue in the chief direction of our public affairs, can we expect a confidence from any of those courts? Can we expect, that any of the potentates of Europe will enter into an alliance with us, for restoring or preserving the balance of power? From experience we know how little capable he is of conducting any negociation; therefore, if

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he continues but one year longer at the head of our counsels, we have reason to apprehend some false step or blunder, which may put it out of the power of any future administration to recover our affairs, or to form any scheme for securing the liberties of Europe; and if all the powers thereof should be obliged to submit to the direction of our most dangerous rival, what can this nation at last expect?

This danger, Sir, is so apparent, and is now become so imminent, that our complying with this motion is, in my opinion, a duty we owe both to our king and country. Suppose I thought this minister guilty of no crime; suppose I had approved of every step of his past conduct, yet the weakness of his measures appears now so plain from their effects, both abroad and at home, that I should be for addressing to remove a minister, who had led me, as well as his country, into such fatal errors. Political measures, Sir, are of such an abstruse nature, and so often admit of a false gloss, that a mistake can no way derogate from the understanding of those who are obliged to judge of them, without having all the lights necessary for forming a right judgment. I know there are many gentlemen in this House, who have approved of most of this minister's measures: according to the lights they viewed them in at the time, they appeared wise and right; but will any gentleman now say, they were so? Will any gentleman now say, the treaty of Hanover was a right measure? Will any one now approve of the measures taken, and the expence we put ourselves to, in pursuance of that treaty? Will any one now say, we ought to have gone precipitately into a general guaranty of the pragmatic sanction, without stipulating the least satisfaction for any prince in Germany, with regard to the claims he had upon the house of Austria?

Surely, Sir, before we entered into that guaranty, we should have taken care, that more than one half of Germany should not be engaged in interest to oppose that which we had guaranteed. The claims now set up by Prussia were certainly known to our ministers, before we guaranteed the pragmatic sanction: for him at least we ought to have stipulated such a satisfaction, as would in interest, as well as by treaty, have engaged him in the same interest with us. If we had done this, neither the pragmatic sanction, nor the liberties of Europe would now have been in any danger; and therefore, I cannot think, any man will now pretend to justify our having so precipitately entered into a general guaranty of the pragmatic sanction: nay, I believe, even our minister himself would not have done so, if he had not been forced to it in order to extricate himself out of the dilemma he had brought himself into by the treaty of Seville; for however jealous some of the neighbouring princes of Germany may be, of an increase of power in the house of Brandenburg, surely no English minister could be actuated by any such jealousy; and therefore, I believe, even our mimister himself would have stipulated satisfaction for the king of Prussia, with regard to his claims in Silesia, before entering into that guaranty, if he had not been forced to it by the dilemma I have mentioned.

By these measures, Sir, and by our neglecting to perform our guaranty to the emperor in the year 1733, the balance of power, and the liberties of Europe have been brought into their present danger. This danger is not owing to the emperor's death, as the friends of our minister endeavour to insinuate; for if we had taken right measures, if we had not taken wrong measures, nay, if we had not pursued a long series of wrong measures, the emperor's death could have made little or no alteration in the affairs of Europe; so that the emperor's death had nothing in it fatal to the liberties of Europe, but its happening before this nation had an opportunity to get rid of this minister, and to rectify the errors it had been led into by him. This, indeed, was very unfortunate, and if he continues but for one year longer to have the same influence upon our counsels, I may prophesy, that without some very signal intervention of Providence, it will be fatal to the liberties of Europe in general, and consequently to the liberties of this nation in particular. At the respective times these measures were taken, they were set in such a light by our minister and his advocates, that I do not wonder at their having been approved of by every one, who had any confidence either in his wisdom or integrity; but their weakness, I shall not say wickedness, appears now so plain, from the effects they have produced, that no man, not even the minister himself, can approve of them; and therefore every man must think, he ought at least to be removed for his weakness. His pursuing such measures, his undertaking, as he did by the treaty of Hanover, to pull down the overgrown power of the house of Austria,

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may perhaps have proceeded from wickedness: it may have proceeded from his having a greater regard for a foreign interest, because it coincided with his own, than he had for the interest of his native country; but this cannot be made appear, as long as he is master of all the proofs, and has all the favours of the crown at his disposal; and therefore, the first step we must take towards discovering his wickedness, must be to remove him for his weakness, which, with regard to the general interest of Europe, must now, as I have said, plainly appear, even to those who have hitherto had the best opinion of his conduct.

And now, Sir, with regard to the particular interest of this nation, will any one now say, that it was wise or right to allow Spain to amuse us, for so many years together, with trifling negociations, especially as they were, during the whole time, interrupting our trade and navigation, and daily plundering our merchants? Will any one now say, it was wise or right to conclude with Spain a sham treaty, called a Convention, without obtaining any satisfaction for past injuries, or any promise of security against future, nay, without obtaining so much as a promise for an intermission of insults? When any point happens to be in dispute, by which the nation is not exposed to any immediate loss or suffering, our ministers may negociate about it and about it: they may even conclude insignificant treaties relating to it, in order to avoid an immediate rupture, by insisting upon an immediate discussion; but when we suffer daily and greatly by the point in dispute, and have it in our power to command an immediate discussion, surely our ministers ought not then to allow themselves to be amused with tedious negociations or unmeaning treaties; and much less after they have put their country to a great expence in preparing for a rupture, which was our case at the time we concluded that insignificant treaty, called the Convention.

I am really surprised, Sir, to hear an attempt now made to justify that ridiculous treaty, or to hear any one say, the court of Spain had an inclination to grant us any satisfaction or security. Suppose they had by the treaty expressly allowed, as they did not, that 200,000*l.* was due to us in name of damages for the injuries we had suffered, but that they should, out of this 200,000*l.* deduct, upon sham pretences, no less than 173,000*l.* so as to leave no more than 27,000*l.* to be actually paid to us; must not every one see, that this would have been no more than a complaisant concession, made by the ministers of Spain to the ministers of Great Britain, in order to furnish the latter with something wherewith to amuse their own people? And as it now appears from the papers upon our table, that Spain not only insisted upon her right to search our ships in the American seas, but that we had no right to sail in those seas, unless we observed what they might be pleased to call a 'due course;' it is very surprising to hear it still asserted, that Spain had ever the least thought of granting to us a free navigation, or the least inclination to live in peace with us, unless we continued to allow their guarda costas to interrupt our navigation, and to plunder or seize our merchant ships. These pretences were not set up by verbal declarations made to our minister or negociator in Spain, but by written memorials delivered or transmitted to our court here; and as all these memorials must have been taken into consideration in his majesty's cabinet council, it is equally surprizing to hear it pretended, that our chief minister was, or could possibly be, ignorant of them.

I shall conclude, Sir, with a short reply to what has been said in answer to the charge against this minister, of his having endeavoured to obtain a corrupt influence over both Houses of Parliament. This the hon. gentleman admits to be a heavy charge; but, says he, it is a fact which, if true, may cerainly be proved; and for this purpose he provokes any member to rise up, and say, that the minister ever desired him, or tempted him, either by threats or promises, to vote against his conscience in parliament. Can it be supposed, Sir, that any minister would be such a fool as to talk so to a member of this House? is there the least occasion for him to expose himself in this manner? two or three examples: two or three gentlemen being turned out of their posts, after having opposed the minister's measures in parliament, will be a sufficient warning or threatening to all the rest of the members of either House of Parliament, that hold any office or employment at the pleasure of the crown, and also to all those that hope for, or expect any favour from the crown. By these examples every one will see, that none of the favours of the crown are to be held or expected, but by resigning their consciences in parliament to the dictates of the prime minister; and

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this will be as effectual upon all those of venal minds or necessitous circumstances, as if the minister had taken them one by one aside, and threatened them expressly with the loss of their employments, or with a disappointment to their hopes, in case they should oppose any of his measures in parliament.

This is therefore the only proof we can have of a minister's endeavouring to gain a corrupt influence over both Houses of Parliament; and can it be said, Sir, that we have no proof of this kind against the minister now proposed to be removed? Do not we all know, that many eminent members of both Houses of Parliament have been lately removed from every office they held at the pleasure of the crown, soon after their having opposed some of this minister's projects in parliament, and that no cause for their removal ever was, or could be assigned, but their having voted according to the dictates of their conscience in opposition to the dictates of the minister? Do not we all know, that it has been the constant maxim of his administration, to confer none of the favours of the crown, but upon such as voted according to his directions at elections or in parliament? Nay, Sir, he has gone farther than any minister before him ever did: he has declared this to be his maxim openly; he has avowed it in the face of this very assembly; and shall we desire or seek for a proof of a criminal fact, which the criminal himself has avowed and boasted of in this very assembly?

The excuse made for this open attack upon our constitution, is a new confession of the minister's guilt. Is the minister, is the king himself, to take notice of the opposition made by any gentleman in parliament? Has the minister, has the king himself, a right to judge or determine, whether or no such an opposition be indiscreetly and indecently carried on, or whether it proceeds from resentment or from conscience? Sir, there would be an end of the freedom of speech in parliament, at least with regard to all gentlemen, who held or expected any office or place depending upon the pleasure of the crown, if the king himself should assume such a right; and therefore, any minister that advises him to do so, must be guilty of a very high misdemeanor. If any gentleman should speak, or behave himself indecently or indiscreetly here, the House would certainly take notice of it; and whilst a gentleman behaves himself decently and discreetly, whatever opposition he makes to any question in this assembly, must, and ought to be supposed to proceed from motives of honour and conscience, and not from motives of malice or resentment. If the crown, or rather the ministers of the crown, were allowed a right to judge in such cases, every word spoke against them would be deemed to be indecent, and every opposition to their measures would be supposed to proceed from their malice or resentment; and thus they would conclude, they had a just and legal reason for turning every man out of the service of the crown, that should oppose any of their measures in parliament.

Sir, the king may, it is true, exercise some of the prerogatives of the crown without asking the advice of any minister; but if he does make a wrong use of any of his prerogatives, his ministers must answer for it, if they continue to be his ministers. This, Sir, is one of the advantages of our constitution, and it is a very high advantage; because it makes it dangerous for ministers to endeavour to gain a superior degree of favour with the king, by humouring the passions and frailties of human nature, by which kings, as well as other men, are too apt to be governed. But this advantage, we lose, Sir, when we happen to have an unpopular minister, or one who fears the resentment of the people, and has no way to guard against it, but by gaining a corrupt majority in parliament; for such a man must for his own safety endeavour to humour his sovereign in all his passions and frailties, for the sake of preserving his favour, upon which alone his personal safety, as well as his power, depends; and if such a man should, by such means, solely engross the favour of his master, and thereby gain a corrupt majority in both Houses of Parliament, I should be glad to know what controul he is under, or by what legal means our constitution could be restored. This unlucky situation we may fall into by having the same minister too long continued in power. This danger we have, I think, some reason to apprehend from our minister's being longer continued in power; and therefore I shall be for agreeing to the motion now under our consideration.

Mr. *Edward Harley*:

Sir; I do not stand up at this time of night, either to accuse or to flatter any man. Since I have had the honour to sit in parliament, I have opposed the mea-

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sures of the administration, because I thought them wrong; and as long as they are, I shall continue to give as constant an opposition to them. The state of the nation, by the conduct of our ministers, is deplorable: a war is destroying us abroad, and poverty and corruption are devouring us at home. But whatever I may think of men, God forbid, that my private opinion should be the only rule of my judgment! I should desire to have an exterior conviction from facts and evidence; and without this I am so far from condemning, that I would not censure any man. I am fully satisfied in my own mind, that there are those who give pernicious and destructive counsels; and, I hope, a time will come, when a proper, legal, parliamentary enquiry may be made, and when clear facts and full evidence will plainly discover who are the enemies of their country.

A noble lord, to whom I had the honour to be related, has been often mentioned in this debate: he was impeached and imprisoned; [See vol. 7, p. 106.] by that imprisonment his years were shortened; and the prosecution was carried on by the honourable person, who is now the subject of your question, though he knew at that very time, that there was no evidence to support it. I am now, Sir, glad of this opportunity to return good for evil, and to do that hon. gentleman and his family that justice, which he denied to mine.*

Mr. *Pulteney:*

Sir; though it is now very late, yet I did not, at first, think of speaking so early in the debate, because I had a mind to have heard first what the hon. gentleman had to say in his own vindication; but since the House seems to be of opinion, that he ought to be the last speaker in this debate, I find myself obliged to alter my intention, and to give you my sentiments upon the question, before I hear what he has to say. As this, I say, seems to be the opinion of the House, I shall not presume to say it is partial; but I must observe, that it is contrary to the established practice in all other cases in this House, and in all other courts of justice I have ever heard of; for both in this House, upon all other occasions, and in all other courts, the petitioner or prosecutor is always allowed to reply; and if this method had been observed upon this occasion, I should have reserved myself for the reply, in which case I should have taken particular care not to have mentioned any new charge, but would have confined myself entirely to those facts, that had been before mentioned in the debate. This should have been my method, had I been allowed to speak by way of reply; but now, I think, I may take the liberty, if I think fit, to take notice of some facts that have not been yet mentioned in the debate; and I hope the House will give me leave to explain a little farther some of those weak or wicked measures that have been already mentioned.

To begin, Sir, with our foreign affairs: I must go a little farther back than the treaty of Hanover, in order to shew the weakness of that treaty; and if I can shew, that the minister, whose conduct is now the subject of debate, must himself have been conscious of the weakness of that treaty, it was then wicked in him to approve of it, or to pursue that pernicious plan of politics, upon which it was founded. Sir, the plan, and the right plan of politics, which had been pursued during the whole reign of king William, and the whole reign of queen Anne, till towards the latter end of it, when a new ministry began to take new measures, was to diminish the power of the house of Bourbon, and add to the power of the house of Austria, in order to preserve a balance of power in Europe. In execution of this plan we joined, not as auxiliaries, but as principals, in two dangerous wars against France: we expended many millions; we run ourselves many millions in debt, most part of which remains as yet a load upon this nation; and the earl of Oxford, our minister at the end of the queen's reign, was impeached the beginning of last reign, for not pursuing this plan. The chief article against that minister was, his having, by the peace of Utrecht, left the power of the house of Austria too small in Italy and Flanders, and the kingdom of Spain under a sort of dependance upon the court of France. This, I say, was the chief article of impeachment against that noble earl, and this our present minister could not be ignorant of, because he was chairman of that very committee, which drew up those articles of impeachment, and was then one of the warmest prosecutors of that noble earl.

* He then left the House, and was followed by Mr. Robert Harley. Tindal has recorded this speech, as spoken in the House of Lords by the earl of Oxford, which was certainly spoken by his uncle in the House of Commons. By the death of his cousin, in the following June, he succeeded to the title.

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To remedy one of the faults found with the Treaty of Utrecht, we entered into a negociation, soon after the accession of his late majesty, for giving Sicily to the Emperor, in exchange for Sardinia, which exchange was established by the Treaty of London in the year 1716, and as that treaty was signed by this very gentleman, he could not be ignorant of the plan of politics upon which it was founded. In support of this plan, we are obliged to engage in a war against Spain, which occasioned our destroying their fleet in the Mediterranean in the year 1718; and this very plan was the chief foundation of the quadruple alliance, which Spain afterwards acceded to, though the conditions of that accession are not, as yet, I believe, fully known. Thus we got one of the faults found with the Treaty of Utrecht amended, and as to the other, it was by the hand of God very soon removed; for by the death of the late king of France, and the regent's setting aside his will, which, luckily for this nation, happened soon after his late majesty's accession, the dependence of the court of Spain upon that of France was removed, and an enmity established between the two courts, which soon after broke out in an open war.

By these means the two chief faults that had been found with the Treaty of Utrecht were both rectified; and thus the affairs of Europe stood, when this minister began first to have an influence over our counsels. Whilst a jealousy, or rather enmity subsisted between the courts of France and Spain, it was reasonable enough for us to keep a correspondence with the court of France, especially as at that time we had a dispute with the court of Spain; but as that enmity ceased by the regent's death, and as a good correspondence was restored between these two courts, by the young king of France's being married to the infanta of Spain, we ought then again to have begun to be upon our guard against the ambition of the house of Bourbon, and for this purpose we ought to have continued to cultivate a good correspondence with the house of Austria, and we ought to have endeavoured, by all the artful means we could think of, to interrupt that correspondence, which had been re-established between the courts of France and Spain, and to accommodate all the differences subsisting between the courts of Spain and Vienna. According to the plan of politics pursued ever since the Revolution, these should have been the ends proposed in all our negociations; and for accomplishing these ends, a most happy and unlooked-for accident occurred by the court of France's sending back the infanta of Spain, and getting their king married to his present queen.

This, Sir, was one of the most lucky accidents that could have happened for this nation, and for Europe, if we had known how to have made the right use of it. The court of Spain immediately broke off all correspondence with that of France, and offered to refer all their differences with the court of Vienna to our sole mediation; but our present minister had then got almost the sole direction of our public counsels, and upon this occasion the plan of politics he had laid down to himself, first began to appear: this plan was, that, as long as the court of France did nothing to disturb or interrupt his possession of power in this kingdom, he would do nothing that might displease them; but, on the contrary, would do all they desired, and connive at what they had a mind to do, as far as was consistent with his safety here at home. This, I say, was his plan: that it is the plan he has ever since pursued, I shall make appear from the whole tenor of his conduct: and, when we consider the nature of it, we cannot wonder at his having employed such a near relation, in concerting and establishing such a plan. In pursuance of this plan, and directly contrary to that plan of politics we should have pursued, and for which we had expended so much blood and treasure, he refused to accept of this sole mediation offered us by Spain, or to make any advantage of this difference that had happened between the courts of France and Spain. From our refusing to accept of this mediation, the court of France had some reason to hope, that the difference between the courts of Vienna and Madrid might remain unaccommodated, till she should find an opportunity for making up the breach occasioned by sending back the infanta of Spain; but the court of Spain were so irritated at the affront put upon them, that they resolved at any rate to accommodate their differences with the court of Vienna, and for this purpose they sent a minister privately to Vienna, by whose means treaties of peace, guarantee and commerce, were concluded between the two courts in the beginning of the year 1725.

The concluding of these treaties, Sir, and the good correspondence thereby esta-

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blished between the courts of Vienna and Madrid, gave a most just and reasonable alarm to France. As the court of Spain was highly and most justly irritated against her, and as the House of Austria was her most dangerous and inveterate enemy, she had great reason to be afraid of a close union between these two powers: she had even some reason to fear an immediate attack. But all the other powers of Europe, and this nation in particular, according to our ancient and right plan of politics, had reason to rejoice at this union: even suppose the emperor and Spain had jointly attacked France, we might have looked on with indifference, till one of the parties had begun to push her conquest too far. Till this had happened, even the Dutch might have looked on with indifference; for though there was at that time a dispute subsisting between them and the emperor, in relation to the Ostend Company, that dispute was not of such consequence as to occasion a breach; and if the emperor had, in conjunction with Spain, resolved to attack France, he would certainly have sacrificed that Company, for the sake of gaining a neutrality from the Dutch.

Accordingly, Sir, we saw, that the Dutch testified no apprehensions from those treaties, or from the close union thereby established between the emperor and Spain. But upon this occasion our minister's plan of politics produced a new effect, which has been attended with many notable mischiefs to this nation, and has now at last overturned the balance of power in Europe. As France had most justly taken the alarm, and found she could not instil any fears into the Dutch, she had recourse to our minister here, in order to fill our court with apprehensions from those treaties, that had been concluded between the emperor and Spain at Vienna. For this purpose, she invented a story of her having had certain information from Vienna, that there were some secret articles, by which the emperor and Spain had agreed to take Gibraltar and Port Mahon from us, to defeat the Protestant succession by restoring the Pretender, and to ruin our trade with Spain, by granting many considerable advantages to the emperor's subjects; and that the only way we had to guard against these terrible designs, was by entering into a defensive alliance with her.

Though this story was in itself ridiculous, because of its being impracticable for the emperor and Spain to effectuate any of those designs against us: Though both the emperor and king of Spain expressly denied there being any such secret articles; though they invited us to accede to the treaties concluded between them; and though it was very much the nation's interest to do so; yet such was our minister's influence over our counsels, such his attachment to the plan of politics he had laid down for his own conduct, that he prevailed on his late majesty to give credit to this improbable French story, and to conclude with France the treaty of Hanover in September, 1725, which treaty the king of Prussia was drawn into, by making him believe, that one of the designs of it was, to restore the Protestants of Thorn, and secure the observance of the treaty of Oliva; but he soon saw the other contracting parties had no such design, and therefore he soon left them.

Thus, Sir, we were drawn in to secure France against being attacked by the emperor and Spain, when, according to our ancient plan of politics, we should rather have promoted that attack; because we might easily have taken care that neither side should have pushed the war too far, and in the mean time our trade would have greatly increased by the decay of the trade of France. I know, Sir, it will be said, that the minister, whose conduct is now the question before us, had no hand in that treaty, because he was not at Hanover when it was concluded; but as he had then the chief direction of our affairs, and as it is very improbable any English minister at Hanover should conclude a treaty of such importance, without the advice of the council here, therefore the treaty's being signed at Hanover, is no proof of his having had no hand in it. But, I hope, it will not be pretended, that he had no hand in advising the measures taken in pursuance of this treaty; and I shall now shew, that those measures were more pernicious, and more plainly demonstrated his dependence upon the counsels of France, than the treaty itself. The treaty was no more than a defensive treaty; and if France had been attacked, we were thereby obliged to furnish her with no more than 8,000 foot and 4,000 horse, and that not till two months after application should be made to them; so that we had not, from this treaty, the least occasion for putting ourselves to the expence of augmenting our army, or of taking any foreign troops into our pay, till such an attack had been

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actually made; because we should then have had time enough to provide our stipulated quota of troops. And suppose there had been some truth in the story of the secret articles between the emperor and Spain, we had no occasion to put ourselves to the expence of sending out any squadrons, till such time as we had certain information of their providing a fleet of transports to invade us, because we should then have had time enough to send out a squadron sufficient for disappointing their designs.

It is therefore impossible, Sir, to find out a reason for the measures we took in pursuance of this treaty, any other way than by considering what was the interest, and what at that time might be the views of the court of France. From thence, indeed, we may find a reason, and it was, I am fully convinced, the only true reason. France had a mind not only to guard against her being attacked, but it was her interest, and she certainly intended to break that correspondence which had been established between the emperor and Spain, and to chastise the court of Spain a little for daring to take any measures contrary to her interest; and both these ends they intended to accomplish by means of her influence upon our minister, without putting herself to any great expence, or coming to any open breach either with the emperor or Spain. Was this possible? Yes, Sir, by making the cat's paw of this nation, she accomplished all she intended, and in the manner she intended. The necessity of pulling down the overgrown power of the house of Austria, became now the favourite topic of all our court politicians and pamphleteers; and in order to prevent the courts of Vienna and Madrid from carrying their dangerous designs into execution, our minister prevailed upon us to send out two powerful squadrons, one to insult the Spaniards upon their own coasts, and another to prevent the return of the galleons; but as France did not intend that we should reap any advantage to ourselves, or do Spain any real injury, therefore, our squadron were not to attack the Spaniards either by sea or land, but only to persuade them, in case we met with them at sea, to deliver their treasure into our hands, in trust for the several parties concerned.

Thus, Sir, France got us to chastise the court of Spain for daring to take any measures contrary to her interest; and then she made a merit at that court, of her having prevented us from doing any mischief to them, notwithstanding their having declared war against us, and openly attacked our town of Gibraltar. By this means she laid a foundation for getting herself reconciled with the court of Spain, and by means of that reconcilement, and her influence upon our minister, she accomplished the other point she had in view, which was to create a new breach between the courts of Vienna and Madrid. For this purpose, his most Christian majesty became now the mediator between us and the court of Spain, and by his mediation the treaty of Seville was concluded, which created a new and almost irreconcileable breach between the courts of Vienna and Madrid.

As by this treaty we were brought upon the brink of being forced to enter into a war, in conjunction with France and Spain, against the emperor, the whole nation began to take the alarm, so that our minister was obliged now to consult his own safety; and this drove him precipitately into the guarantee of the Pragmatic Sanction, in order to prevail upon the emperor to admit the introduction of Spanish troops into the strong places of Tuscany, Parma, and Placentia. The treaty of Seville being, by this dangerous and rash step, fully executed upon our part, it was natural to expect a due performance on the part of Spain; but France having now by our means recovered her influence over the court of Spain, and it being highly advantageous for the trade of France to have disputes always subsisting between us and Spain, France took care that Spain should perform nothing of what had been promised on her part by the treaty of Seville, except, I think, the restitution of the ship Prince Frederic, and perhaps some of the other ships that had been seized in the ports of Spain at the beginning of the rupture. As to all our other demands, they remained unadjusted: the term for adjusting them by commissaries expired; that term was again and again renewed, and in the mean time the Spaniards exercised the right they had set up, of searching our ships in the American seas, and seizing such of them as had any goods on board, which they were pleased to call contraband. By this, daily depredations were committed upon our merchants in the West Indies; daily complaints were made to our minister here; and thus affairs stood, when France, in conjunction with Spain and Sardinia, thought fit to attack the emperor in the year 1733, with an avowed

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design to strip him of all his dominions in Italy.

In the beginning of the late reign, Sir, the power of the house of Austria was thought too weak, without the addition of Sicily to their other Italian dominions. A minister had been impeached for leaving that house in such a weak condition by the treaty of Utrecht: we had procured him Sicily at the expence of a war with Spain; because, without that addition, the balance of power in Europe, it was thought, could not be secured. We had, therefore, three reasons for joining with the emperor in this new war; one founded upon the general interest of Europe, because the balance of power would be overturned, should the emperor be stripped of his Italian dominions: a second founded upon our own honour, because we had but two years before guaranteed the Pragmatic Sanction, by which the emperor was induced to admit of the introduction of Spanish troops into Italy, which troops were now employed in attacking him: and a third founded upon our own particular interest, because we could not otherwise expect to obtain satisfaction or security from Spain. These, Sir, were weighty considerations; but the plan of politics our minister had laid down, prevailed over all these; and we continued idle, though not expenceless spectators, till the power of the house of Austria was diminished by the loss of Naples and Sicily, and the power of France increased by the accession of Lorain.

During this war, the Spaniards favoured us with some sort of intermission of depredations; but as soon as it was over, they renewed them with more vigour than ever, and openly boasted of their being encouraged, and that they would be protected against the effects of our resentment, by France. As our trade in general, as well as our particular merchants, suffered greatly by these depredations, it was highly the interest of the nation to insist peremptorily upon satisfaction; but as this was contrary to the interest of France, our minister's plan of politics prevailed over the interest of his country, and the cries of his countrymen. At last something must be done for his safety here at home, and at a great expence a treaty was obtained by which we neither got satisfaction nor security, but a foundation for another ten years trifling negociation. This, he found, the nation was too wise to be amused with, and therefore he found himself under a necessity of entering into a war against Spain: this war, Sir, the court of France was obliged to connive at, rather than risk the loss of a minister, who had shewn himself so much their slave; but how was this war to be carried on? According to the interest of this nation, it was certainly to be carried on in the most vigorous manner, in order to make it of a short duration; and the most exact care was to be taken of our trade, because there only the enemy could hurt us; but according to the interest of France, the war was to be carried on in that manner, which might make it the most lasting, and most expose our trade to suffer by Spanish privateers; because by this means, our trade might at last be ruined past all redemption, and the trade of France established so, as to be out of our power to hurt it. I shall leave gentlemen to judge, in which of these methods the war has been hitherto carried on; for if it has been carried on in the latter method, it is a proof that our minister has to this very day pursued that plan of politics, which I have said he laid down for his conduct, at the very beginning of his administration.

I shall beg leave, Sir, to mention two other facts, as a proof of this plan. By the treaty of Utrecht, the port and harbour of Dunkirk were to be destroyed, and never to be repaired; and by a treaty between his late majesty and France, in the year 1717, it was stipulated, That no port, haven or fortification should be made or built at Dunkirk or Mardyke, or any other place whatever along that coast, within two leagues of either of those two places: yet, Sir, as soon as this minister began to have the chief direction of our affairs, not only the French began to use Dunkirk as a port, but it was admitted as such, and as a Flemish port too, notwithstanding its being in the possession of France, even upon our custom-house books; and great quantities of French brandies were not only allowed to be imported from thence, but to be imported as Flemish brandies, by which they avoided paying the high duties imposed by law upon French brandies. This point being once gained, the French soon began to repair the port and harbour of Dunkirk, so as to make the harbour fit for receiving very large ships; and now at last they have begun to repair the fortifications and erect batteries; so that in case of a war with France, we may expect to have our trade as much infested by Dunkirk privateers, as ever it was in the last war.

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This, Sir, is a farther proof of our minister's complaisance for France; and in order to add another to this, I must observe, that both France and Spain have Irish regiments in their service; but though those regiments are said to be in the service of France or Spain, and receive their pay from his most Christian or his most Catholic majesty, yet they are properly in the service of the Pretender, and acknowledge him for their king and chief master. Therefore, if it is not treason, it is something very like treason, to assist or connive at the recruiting of those regiments in any of his majesty's British dominions: yet such was our minister's complaisance for France, that, at their desire, he had like to have incurred being guilty of this crime. Nay, he would certainly have incurred it, and those regiments would have been recruited openly in these kingdoms, and with the consent of our administration, if some of those whom he has long looked on as his enemies, had not warned him of his danger; which shews that their opposition to his measures did not proceed from malice and resentment, as he has always insinuated, but from a sincere regard to the good of their country; for surely a malicious enemy would have been glad to have seen him commit such a criminal error, and would, therefore, have taken care not to prevent his being guilty of it, by fore-warning him of his danger.

Having now, I hope, Sir, sufficiently demonstrated our minister's plan of politics with regard to foreign affairs, I shall next endeavour to investigate and demonstrate his plan of politics with regard to our domestic affairs; and here, he seems to have laid it down as a rule, to govern by the sole means of bribery and corruption; and for this purpose, to prevent our being able to lessen our debts, or abolish any of our taxes, by running the nation every year into extraordinary and unnecessary charges, and by every other method he could contrive. Upon his first accession to the sole direction of our public affairs, we were in a fair way of being able in a short time to pay off every shilling of our public debt. The South-Sea Scheme, by its being so wickedly conducted, had, indeed, ruined many private men, but it was of singular service, and might have been made of much greater service to the public. Our irredeemables were thereby made redeemable: the interest payable upon most of our public debts was to be reduced in a few years from 5 to 4 per cent.; and the South-Sea Company were obliged to pay off seven millions of our debts at once, by sinking so much of their capital. By these means, the sinking-fund would have been so much increased, that if it had been religiously applied, our public debts might have been by this time almost entirely discharged, and all our grievous taxes abolished; but this would have very much lessened the minister's fund for corruption, by demolishing many of those posts and places which he has at his disposal; and therefore, according to his plan, this effect was by all means to be prevented: the public charge was to be yearly increased, in order to oblige us to apply the sinking-fund to the current service, or to run as much in debt with one hand, as we paid off with the other; and the land-tax was to be represented as the most grievous tax to the nation, because it furnished him with the least means for corruption.

In pursuance of these maxims, the seven millions due by the South-Sea Company to the public was generously released, and the expences of the civil-list were so much increased, that a new debt of 500,000*l.* was contracted in the year 1725, for paying the debts of the civil-lists, though the like sum had been granted to his late majesty for the same purpose, but four years before: and upon his present majesty's accession, an addition of 100,000*l.* a year was made to the civil-list revenue, besides the 115,000*l.* which was granted for making good a pretended deficiency in that revenue. But what furnished him with the best pretence for increasing the public charge, was the famous treaty of Hanover in the year 1725. For preventing the dangers with which Europe was threatened from the overgrown power of the house of Austria, he did not think it sufficient to put this nation to the expence of augmenting our own armies, and fitting out several squadrons, but we must likewise take foreign armies and foreign princes into our pay. Surely, Sir, if Europe had at that time been in any danger from the overgrown power of the house of Austria, this nation was the last, and had the least to fear, therefore we should have been the last that put ourselves to any expence for guarding against that danger; and yet we were not only the first, but the only power in Europe that put itself to any expence upon that account. The Dutch, that lay most exposed, were so very little apprehensive, that they did not so much as accede to the treaty of Hanover till near a

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year after it was made; and the French, who had the most to fear from an alliance between the emperor and Spain, put themselves to little or no expence, nor gave us any assistance when we were openly attacked by Spain, on account of what we did for preventing the danger they lay exposed to. Whereas, we took 12,000 Hessians immediately into our pay, granted subsidies to the king of Sweden, the king of Denmark, the duke of Wolfembuttle; and, what was most extraordinary, the subsidy to the duke of Wolfembuttle was not granted till half a year after we had made up matters with the emperor, and the Hessian troops were continued in our pay for several years after.

I must therefore conclude, Sir, that all the extraordinary expence we put ourselves to on account of, or consequent to the treaty of Hanover, could proceed from nothing but a design to prevent our paying off any considerable part of our debts, or abolishing any of our taxes; and the abolishing of the salt-duty in the year 1730, in order to diminish the sinking-fund, and reviving it again in the year 1732, in ease of the land-tax, is a farther proof of this design. But as it would be tedious to mention all the arguments that might be brought in proof of this design, and as I have taken up too much of your time already, I shall trouble you with no more of them, except the defeating of that scheme which was offered to this very parliament, for reducing the interest payable upon all our funds, or for putting it out of the power of any future minister to prevent the nation's getting rid of its debt by degrees. We must all remember by what means, and by whom, that scheme was defeated; and considering how practicable it was at that time, which, I am afraid, will never be again, we must, I think, conclude, that the minister who defeated it could have no design that our debts should ever be paid, or our taxes diminished.

Before I have done, Sir, with this minister's conduct, I must take notice of one thing which has been too often practised under all ministers, and that is, the letting of public securities stand out, without any fund for their payment, till they run to a great discount, when they are bought up by the minister's friends and tools, perhaps in trust for himself, and then a fund is provided for paying them off at the full price. This, I say, has been too often practised under all ministers, when they could have any opportunity of it; and this has not been left unpractised under this minister. We all know what a prodigious sum that debt due to the army, and to foreign states, were at last brought to, which continued for several years to circulate under the name of army debentures, at an interest of four per cent, without any fund for paying off the principal. Most of those debentures that were certified before the 21st of March 1719, were subscribed into the South Sea Company, but of them there remained unsubscribed near 400,000*l.* and after the 21st of March 1719, new army debentures were made out for debts not before certified for near 550,000*l.* so that for some time before the year 1727, there was near a million circulating in army debentures at four per cent, without any certain fund for paying the principal; for as the sinking fund had been appropriated to the payment of debts contracted before the year 1716, some people doubted if it could be applied to the payment of these debentures; and as there was always a great number of them at market, they came at last to be sold at above 30*l.* per cent. discount. But towards the latter end of the year 1726, all that could be got at any discount were bought up, and a certain shop in this city was particularly noted for the purchasing such debentures. At last, upon the 7th of March 1726, a Resolution was come to in this House, to pay off all those army debentures, of which public notice was given, and by an act of the same session, the Sinking Fund was appropriated to the paying off all these debentures at their full price, by which the last purchasers got in a few months above 30 per cent. clear profit.

Whether the minister himself was personally concerned in this job, I shall not pretend, Sir, to determine, but some of his friends were known to be concerned in it; and whether he was concerned or no, is, I am sure, a question that can never be determined as long as he has the sole direction of all our public affairs. If he was personally concerned, or even if he gave private notice to his friend, it was certainly highly criminal; but as a proof of such facts cannot be expected whilst he is in power, and as upon this motion we have no occasion for alleging such particular crimes against him, much less for proving them, I shall not mention any more of them, though there are others, of much the same nature, of which he has been suspected. I say, Sir, we have no occasion for alleging or proving any such crimes for supporting

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this motion; and I must say, I am greatly surprized to hear, that some gentlemen who I believe, mean well, especially an hon. gentleman who spoke some time since, should not be able to distinguish between a motion for impeaching a minister, and a motion for removing him from the king's counsels. A motion for an impeachment must be supported by some particular allegations of a criminal nature, and by some sort of proof of those allegations, before this House can agree to it; but a motion for removing him is sufficiently founded, if from the whole tenor of his conduct it appears in general, that he must either have bad designs or must be a very weak man. I have explained this minister's plan of politics with regard both to foreign and domestic affairs: I have shewn, I think, such strong presumptions of this being his plan of politics, that we must conclude him a very wicked, or a very weak minister. Let us consider, Sir, what we have to do next summer: we are to have a general election for a new parliament: we are to form alliances, and concert measures for preserving a balance of power in Europe, otherwise it will be irrecoverably lost. Can we expect a fair or free election, whilst we have a minister at the helm, who has laid it down as a maxim, to govern by the sole means of bribery and corruption? Can we expect that any of the powers of Europe will enter into any alliance or concert with us, whilst our affairs are under the sole direction of a minister who has shewn himself such a slave to France?

What a danger then, Sir, must the liberties of this nation be exposed to? What a danger must the liberties of Europe be exposed to, by continuing this minister but for one year longer in power? If the hon. gentleman would consider this, Sir, I am sure, he would not talk of returning him good for evil, or of doing this minister and his family that justice which he denied to his. To vote for continuing a man in a post which he has shewn himself to be very unfit for, is doing him neither good nor justice: it is like putting a sword into the hands of a madman or ruffian; and to continue him in the sole direction of our public affairs, at such a critical conjuncture, is doing the greatest evil, the greatest injustice to our country. Therefore, I hope, every gentleman who, from this minister's former conduct, and from the present melancholy situation of affairs, both abroad and at home, thinks he has reason to suspect his being either a very wicked, or a very weak minister, will give his affirmative to the present question.

Sir *Robert Walpole*:*

Sir; I confess, I am at a loss what to say, or how to justify myself on this occa-

* Mr. Coxe has given the following as the Substance of this Speech, "taken from Parliamentary Minutes in the hand writing of sir Robert Walpole, &c."

"He said, 'Sir, it has been observed by several gentlemen in vindication of this motion, that if it should be carried, neither my life, liberty, or estate will be affected. But do the honourable gentlemen consider my character and reputation as of no moment? Is it no imputation to be arraigned before this House, in which I have sat forty years, and to have my name transmitted to posterity with disgrace and infamy? I will not conceal my sentiments, that to be named in parliament as a subject of inquiry, is to me a matter of great concern; but I have the satisfaction at the same time to reflect, that the impression to be made depends upon the consistency of the charge, and the motives of the prosecutors. Had the charge been reducd to specific allegations, I should have felt myself called upon for a specific defence. Had I served a weak or wicked master, and implicitly obeyed his dictates, obedience to his commands must have been my only justification. But as it has been my good fortune to serve a master, who wants no bad ministers, and would have hearkened to none, my defence must rest on my own conduct. The consciousness of innocence is also sufficient support against my present prosecutors. A farther justification is also derived from a consideration of the views and abilities of the prosecutors. Had I been guilty of great enormities, they want neither zeal and inclination to bring them forwards, nor ability to place them in the most prominent point of view. But as I am conscious of no crime, my own experience convinces me, that none can be justly imputed. I must therefore ask the gentlemen, from whence does this attack proceed? From the passions and prejudices of the parties combined against me; who may be divided into three classes, the Boys, the riper Patriots, and the Tories. The Tories I can easily forgive, they have unwillingly come into the measure, and they do me honour in thinking it necessary to remove me, as their only obstacle. What is the inference to be drawn from these premises? That demerit with them ought to be considered as merit with others. But my great and principal crime is my long continuance in office, or, in other words, the long exclusion of those who now complain against me. This is the heinous offence which exceeds all others: I keep from them the possession of that power, those honours and those emoluments, to which they so ardently and pertinaciously aspire. I will not attempt to

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sion. I had often heard, that some such motion was designed against me; but I was always at a loss to conjecture what the honourable gentlemen might have to say in support of their motion. My own innocence convinced me, they had no real crime, nor any wilful neglect to lay to my charge; and I therefore supposed, they had heard some malicious stories, which they had given too much credit to, and which I might easily shew the falshood of, when I came to hear them explained.

deny the reasonableness and necessity of a party war; but in carrying on that war, all principles and rules of justice should not be departed from. The Tories must confess, that the most obnoxious persons have felt few instances of extra-judicial power. Wherever they have been arraigned, a plain charge has been exhibited against them; they have had an impartial trial, and have been permitted to make their defence; and will they, who have experienced this fair and equitable mode of proceeding, act in direct opposition to every principle of justice, and establish this fatal precedent of parliamentary inquisition? And whom would they conciliate by a conduct so contrary to principle and precedent?

"'Can it be fitting in them, who have divided the public opinion of the nation, to share it with those who now appear as their competitors? With the men of yesterday, the boys in politics, who would be absolutely contemptible did not their audacity render them detestable? With the mock patriots, whose practice and professions prove their selfishness and malignity, who threatened to pursue me to destruction, and who have never for a moment lost sight of their object? These men, under the name of the Separatists, presume to call themselves, exclusively, the nation and the people, and under that character assume all power. In their estimation, the king, lords, and commons are a faction, and they are the government. Upon these principles, they threaten the destruction of all authority, and think they have a right to judge, direct, and resist, all legal magistrates. They withdraw from parliament because they succeed in nothing, and then attribute their want of success not to its true cause, their own want of integrity and importance, but to the effect of places, pensions, and corruption. May it not be asked, are the people on the court side more united than on the other? Are not the Tories, Jacobites, and Patriots equally determined? What makes this strict union? What cements this heterogeneous mass? Party engagements and personal attachments. However different their views and principles, they all agree in opposition. The Jacobites distress the government they would subvert; the Tories contend for party prevalence and power. The Patriots, from discontent and disappointment, would change the ministry, that themselves might exclusively succeed. They have laboured this point twenty years unsuccessfully; they are impatient of longer delay. They clamour for change of measures, but mean only change of ministers.

"'In party contests, why should not both sides be equally steady? Does not a Whig administration as well deserve the support of the Whigs as the contrary? Why is not principle the cement in one as well as the other, especially when they confess, that all is levelled against one man? Why this one man? Because they think, vainly, nobody else could withstand them. All others are treated as tools and vassals. The one is the corrupter, the numbers corrupted. But whence this cry of corruption, and exclusive claim of honourable distinction? Compare the estates, characters, and fortunes of the commons on one side, with those on the other. Let the matter be fairly investigated; survey and examine the individuals who usually support the measures of government, and those who are in opposition. Let us see to whose side the balance preponderates. Look round both Houses, and see to which side the balance of virtue and talents preponderates! Are all these on one side, and not on the other? Or are all these to be counterbalanced by an affected claim to the exclusive title of patriotism. Gentlemen have talked a great deal of patriotism. A venerable word, when duly practised. But I am sorry to say, that of late it has been so much hackneyed about, that it is in danger of falling into disgrace; the very idea of true patriotism is lost, and the term has been prostituted to the very worst of purposes. A patriot, Sir! why patriots spring up like mushrooms! I could raise fifty of them within the four-and-twenty hours. I have raised many of them in one night. It is but refusing to gratify an unreasonable or an insolent demand, and up starts a patriot. I have never been afraid of making patriots; but I disdain and despise all their efforts. But this pretended virtue proceeds from personal malice, and from disappointed ambition. There is not a man amongst them whose particular aim I am not able to ascertain, and from what motive they have entered into the lists of opposition.

"'I shall now consider the articles of accusation which they have brought against me, and which they have not thought fit to reduce to specific charges; and I shall consider these in the same order as that in which they were placed by the honourable member who made the motion. First, in regard to foreign affairs; secondly, to domestic affairs; and, thirdly, to the conduct of the war.

"'As to foreign affairs, I must take notice of the uncandid manner in which the gentlemen on the other side have managed the question, by blending numerous treaties and complicated negociations into one general mass.

"'To form a fair and candid judgment of the subject, it becomes necessary not to consider

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But now I have heard the whole charge against me, I do not think there is any one part of it, except one single fact, which is not a charge, not only against his majesty and all those of his council, but also against both Houses of Parliament, as well as against me. If I were to answer for myself alone, I should think my task very easy; but as I am to answer for King, Lords and Commons, it gives me great pain, lest their cause should suffer through my incapacity in me: yet dan-

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the treaties merely insulated; but to advert to the time in which they were made, to the circumstances and situation of Europe when they were made, to the peculiar situation in which I stand, and to the power which I possessed. I am called repeatedly and insidiously prime and sole minister. Admitting, however, for the sake of argument, that I am prime and sole minister in this country; am I therefore prime and sole minister of all Europe? Am I answerable for the conduct of other countries as well as for that of my own? Many words are not wanting to shew, that the particular views of each court occasioned the dangers which affected the public tranquillity; yet the whole is charged to my account. Nor is this sufficient; whatever was the conduct of England, I am equally arraigned. If we maintained ourselves in peace, and took no share in foreign transactions, we are reproached for tameness and pusillanimity. If, on the contrary, we interfered in the disputes, we are called Don Quixotes, and dupes to all the world. If we contracted guarantees, it was asked, why is the nation wantonly burthened? If guarantees were declined, we were reproached with having no allies.'

"After making these preliminary observations, on the necessity of considering the relative situation of Europe, when these engagements were contracted, and proving that the treaties were right at the time they were made, though they might not have had the desired effect, he entered into a luminous recapitulation of the principal compacts, which had been adverted to in the course of the debate. They formed a connective series, embracing past events, present advantages, and future contingencies, of which the various parts had such a necessary dependance on each other, that any separation must be fatal to the comprehension of the whole.

"He took up the subject from the peace of Utrecht, which, by suffering a prince of the House of Bourbon to remain on the throne of Spain, had materially altered the balance of power in Europe, had produced new interests, and involved this country in a series of delicate and complicated negociations. The quadruple alliance was the consequence of that treaty: but as he was not then in administration, he was not accountable either for its articles or effects, though he was unfortunately minister, and unwillingly accessory to the execution of it.

"He should, therefore, begin with the first act of that administration to which he had the honour to belong; a refusal to accept of the sole mediation offered by Spain, on the breach between Spain and France, occasioned by the dismission of the infanta. 'I hope it will not be said,' he observed, 'we had any reason to quarrel with France upon that account; and therefore, if our accepting of that mediation might have produced a rupture with France, it was not our duty to interfere, unless we had something very beneficial to expect from the acceptance. A reconciliation between the courts of Vienna and Madrid, it is true, was desirable to all Europe, as well as to us, provided it had been brought about without any design to disturb our tranquillity, or the tranquillity of Europe; but both parties were then so high in their demands, that we could hope for no success; and if the negociation had ended without effect, we might have expected the common fate of arbitrators, the disobliging of both. Therefore, as it was our interest to keep well with both, I must still think it was the most prudent part we could act, to refuse the offered mediation.

"'The next step of our foreign conduct, exposed to reprehension, is the treaty of Hanover. Sir, if I were to give the true history of that treaty, which no gentleman can desire I should, I am sure I could fully justify my own conduct; but as I do not desire to justify my own, without justifying his late majesty's conduct, I must observe, that his late majesty had such information, as convinced not only him, but those of his council, both at home and abroad, that some dangerous designs had been formed between the emperor and Spain, at the time of their concluding the treaty at Vienna, in May 1725. Designs, Sir, which were dangerous not only to the liberties of this nation, but to the liberties of Europe. They were not only to wrest Gibraltar and Port Mahon from this nation, and force the Pretender upon us, but they were to have Don Carlos married to the emperor's eldest daughter, who would thereby have had a probability of uniting in his person, or in the person of some of his successors, the crowns of France and Spain, with the imperial dignity, and the Austrian dominions. It was therefore highly reasonable, both in France and us, to take the alarm at such designs, and to think betimes of preventing their being carried into execution. But with regard to us, it was more particularly our business to take the alarm, because we were to have been immediately attacked. I shall grant, Sir, it would have been very difficult, if not impossible, for Spain and the emperor joined together to have invaded, or made themselves masters of any of the British dominions; but will it be said, they might not have invaded the king's dominions in Germany, in order to force him to a compliance with what they desired of him,

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tuous and painful as the task is, I must undertake it, and shall be as concise as the nature of the case will admit of.

I have, indeed, this advantage, Sir, that all the objections now made to the conduct of the administration, have been already answered to the satisfaction of a majority of both Houses of Parliament, and, I believe, to the satisfaction of a majority of the better sort of people in the nation; therefore, I need only repeat a few of those answers that have been made

as king of Great Britain? And if those dominions had been invaded on account of a quarrel with this nation, should we not have been obliged, both in honour and interest, to defend them? When we were thus threatened, it was therefore absolutely necessary for us to make an alliance with France; and that we might not trust too much to their assistance, it was likewise necessary to form alliances with the northern powers, and with some of the princes in Germany, which we never did, nor ever could do, without granting them immediate subsidies. These measures were therefore, I still think, not only prudent but necessary, and by these measures we made it much more dangerous for the emperor and Spain to attack us, than it would otherwise have been.

"'But still, Sir, though by these alliances we put ourselves upon an equal footing with our enemies, in case of an attack, yet, in order to preserve the tranquillity of Europe, as well as our own, there was something else to be done. We knew that war could not be begun and carried on without money; we knew that the emperor had no money for that purpose, without receiving large remittances from Spain; and we knew that Spain could make no such remittances without receiving large returns of treasure from the West Indies. The only way, therefore, to render these two powers incapable of disturbing the tranquillity of Europe, was by sending a squadron to the West Indies, to stop the return of the Spanish galleons; and this made it necessary, at the same time, to send a squadron to the Mediterranean, for the security of our valuable possessions in that part of the world. By these measures the emperor saw the impossibility of attacking us in any part of the world, because Spain could give him no assistance, either in money or troops; and the attack made by the Spaniards upon Gibraltar was so feeble, that we had no occasion to call upon our allies for assistance: a small squadron of our own prevented their attacking it by sea, and from their attack by land, we had nothing to fear; they might have knocked their brains out against inaccessible rocks, to this very day, without bringing that fortress into any danger.

"'I do not pretend, Sir, to be a great master of foreign affairs. In that post in which I have the honour to serve his majesty, it is not my business to interfere; and as one of his majesty's council, I have but one voice; but if I had been the sole adviser of the treaty of Hanover, and of all the measures which were taken in pursuance of it, from what I have said, I hope it will appear, that I do not deserve to be censured, either as a weak or a wicked minister, on that account.'

"The next measures which incurred censure were the guarantee of the pragmatic sanction by the second treaty of Vienna, and the refusal of the cabinet to assist the house of Austria, in conformity with the articles of that guarantee.

"'As to the guarantee of the pragmatic sanction,' he said, 'I am really surprised to find that measure objected to; it was so universally approved of, both within doors and without, that till this very day I think no fault was ever found with it, unless it was that of being too long delayed. If it was so necessary for supporting the balance of power in Europe, as has been insisted on in this debate, to preserve entire the dominions of the house of Austria, surely it was not our business to insist upon a partition of them in favour of any of the princes of the empire. But if we had, could we have expected that the house of Austria would have agreed to any such partition, even for the acquisition of our guarantee? The king of Prussia had, it is true, a claim upon some lordships in Silesia; but that claim was absolutely denied by the court of Vienna, and was not at that time so much insisted on by the late king of Prussia. Nay, if he had lived till this time, I believe it would not now have been insisted on; for he acceded to that guarantee without any reservation of that claim; therefore, I must look upon this as an objection, which has since arisen from an accident, that could not then be foreseen, or provided against.

"'I must therefore think, Sir, that our guarantee of the pragmatic sanction, or our manner of doing it, cannot now be objected to, nor any person censured by parliament for advising that measure. In regard to the refusal of the cabinet to assist the house of Austria, though it was prudent and right in us to enter into that guarantee, we were not, therefore, obliged to enter into every broil the house of Austria might afterwards lead themselves into; and therefore, we were not in honour obliged to take any share in the war which the emperor brought upon himself in the year 1733, nor were we in interest obliged to take a share in that war, as long as neither side attempted to push their conquests farther than was consistent with the balance of power in Europe, which was a case that did not happen. For the power of the house of Austria was not diminished by the event of that war, because they got Tuscany, Parma, and Placentia, in lieu of Naples and Sicily; nor was the power of France much increased, because Lorraine was a province she had taken and kept possession of, during every war in which she had been engaged.

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already, which I shall do in the order of time in which the several transactions happened, and consequently must begin with our refusing to accept of the sole mediation offered us by Spain, upon the breach between that court and the court of France, about the latter's breaking off the intended marriage between their king and the infanta of Spain. I hope it will not be said we had any reason to quarrel with France upon that account; and therefore, if our accepting of that mediation might have

" 'As to the disputes with Spain, they had not then reached such a height, as to make it necessary for us to come to an open rupture. We had then reason to hope, that all differences would be accommodated in an amicable manner; and whilst we have any such hopes, it can never be prudent for us to engage ourselves in war, especially with Spain, where we have always had a very beneficial commerce. These hopes, it is true, Sir, at last proved abortive, but I never heard it was a crime to hope for the best. This sort of hope was the cause of the late Convention; if Spain had performed her part of that preliminary treaty, I am sure it would not have been wrong in us, to have hoped for a friendly accommodation, and for that end to have waited nine or ten months longer, in which time the plenipotentiaries were, by the treaty, to have adjusted all the differences subsisting between the two nations. But the failure of Spain in performing what had been agreed to by this preliminary, put an end to all our hope, and then, and not till then, it became prudent to enter into hostilities, which were commenced as soon as possible after the expiration of the term limited for the payment of the 95,000*l*.

" 'Strong and virulent censures have been cast on me, for having commenced the war without a single ally; and this deficiency has been ascribed to the multifarious treaties in which I have bewildered myself. But although the authors of this imputation are well apprized that all these treaties have been submitted to and approved by parliament, yet they are now brought forward as crimes, without appealing to the judgment of parliament, and without proving or declaring that all or any of them were advised by me. A supposed sole minister is to be condemned and punished as the author of all; and what adds to the enormity is, that an attempt was made to convict him uncharged and unheard, without taking into consideration the most arduous crisis which ever occurred in the annals of Europe. Sweden corrupted by France; Denmark tempted and wavering; the landgrave of Hesse Cassel almost gained; the king of Prussia, the emperor, and the czarina, with whom alliances had been negociating, dead; the Austrian dominions claimed by Spain and Bavaria; the elector of Saxony hesitating whether he should accede to the general confederacy planned by France; the court of Vienna irresolute and indecisive. In this critical juncture, if France enters into engagements with Prussia, and if the queen of Hungary hesitates and listens to France, are all or any of these events to be imputed to English counsels? and if to English counsels, why are they to be attributed to one man?

" 'I now come, Sir, to the second head, the conduct of domestic affairs; and here a most heinous charge is made, that the nation has been burthened with unnecessary expences, for the sole purpose of preventing the discharge of our debts, and the abolition of taxes. But this attack is more to the dishonour of the whole cabinet council than to me. If there is any ground for this imputation, it is a charge upon king, Lords, and Commons, as corrupted, or imposed upon. And they have no proof of these allegations, but affect to substantiate them by common fame and public notoriety.

" 'No expence has been incurred but what has been approved of, and provided for by parliament. The public treasure has been duly applied to the uses to which it was appropriated by parliament, and regular accounts have been annually laid before parliament, of every article of expence. If by foreign accidents, by the disputes of foreign states amongst themselves, or by their designs against us, the nation has often been put to an extraordinary expence, that expence cannot be said to have been unnecessary, because, if by saving it we had exposed the balance of power to danger, or ourselves to an attack, it would have cost, perhaps, a hundred times that sum, before we could recover from that danger, or repel that attack.

" 'In all such cases there will be a variety of opinions. I happened to be one of those who thought all these expences necessary, and I had the good fortune to have the majority of both Houses of Parliament on my side; but this, it seems, proceeded from bribery and corruption. Sir, if any one instance had been mentioned, if it had been shewn, that I ever offered a reward to any member of either House, or ever threatened to deprive any member of his office or employment, in order to influence his vote in parliament, there might have been some ground for this charge; but when it is so generally laid, I do not know what I can say to it, unless it be to deny it as generally and as positively as it has been asserted; and, thank God! till some proof be offered, I have the laws of the land, as well as the laws of charity, in my favour.

" 'Some members of both Houses have, it is true, been removed from their employments under the crown; but were they ever told, either by me, or by any other of his majesty's servants, that it was for opposing the measures of the administration in parliament? They were removed, because his majesty did not think fit to continue them longer in his service. His majesty had a right so to do, and I know

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occasioned our quarrelling with France, we had no business with it, unless we had something very beneficial for ourselves to expect by the acceptance. A reconciliation between the courts of Vienna and Madrid was, it is true, what was to be wished for by all Europe, as well as by us, provided it had been brought about without any design to disturb our tranquillity, or the tranquillity of Europe; but both parties were then so high in their demands, that we could hope for no suc-

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no one that has a right to ask him, What dost thou? If his majesty had a mind that the favours of the crown should circulate, would not this of itself be a good reason for removing any of his servants? Would not this reason be approved of by the whole nation, except those who happen to be the present possessors? I cannot, therefore, see how this can be imputed as a crime, or how any of the king's ministers can be blamed for his doing what the public has no concern in: for if the public be well and faithfully served, it has no business to ask by whom.

"'As to the particular charge urged against me, I mean that of the army debentures, I am surprised, Sir, to hear any thing relating to this affair charged upon me. Whatever blame may attach to this affair, it must be placed to the account of those that were in power, when I was, as they call it, the country gentleman: it was by them this affair was introduced and conducted, and I came in only to pay off those public securities, which their management had reduced to a great discount, and consequently to redeem our public credit from that reproach, which they had brought upon it. The discount at which these army debentures were negociated, was a strong and prevalent reason with parliament, to apply the sinking fund first to the payment of those debentures, but the sinking fund could not be applied to that purpose, till it began to produce something considerable, which was not till the year 1727. That the sinking fund was then to receive a great addition, was a fact publicly known in 1726; and if some people were sufficiently quick-sighted to foresee, that the parliament would probably make this use of it, and cunning enough to make the most of their own foresight, could I help it, or could they be blamed for doing so? But I defy my most inveterate enemy to prove, that I had any hand in bringing these debentures to a discount, or that I had any share in the profits by buying them up.

"'In reply to those who confidently assert, that the national debt is not decreased since 1727, and that the sinking fund has not been applied to the discharge of the public burthens, I can with truth declare, that a part of the debt has been paid off, and the landed interest has been very much eased, with respect to that most unequal and grievous burthen, the land tax. I say so, Sir, because upon examination it will appear, that within these sixteen or seventeen years, no less than 8,000,000*l.* of our debt has been actually discharged, by the due application of the sinking fund, and at least 7,000,000*l.* has been taken from that fund, and applied to the ease of the land tax. For if it had not been applied to the current service, we must have supplied that service by increasing the land tax; and as the sinking fund was originally designed for paying off our debts, and easing us of our taxes, the application of it in ease of the land tax, was certainly as proper and as necessary an use as could be made. And I little thought that giving relief to landed gentlemen, would have been brought against me as a crime.

"'I shall now advert to the third topic of accusation, the conduct of the war. I have already stated in what manner, and under what circumstances hostilities commenced; and as I am neither general nor admiral, as I have nothing to do either with our navy or army, I am sure I am not answerable for the prosecution of it. But were I to answer for every thing, no fault could, I think, be found with my conduct in the prosecution of the war. It has from the beginning been carried on with as much vigour, and as great care of our trade, as was consistent with our safety at home, and with the circumstances we were in at the beginning of the war. If our attacks upon the enemy were too long delayed, or if they have not been so vigorous or so frequent as they ought to have been, those only are to blame who have for many years been haranguing against standing armies; for without a sufficient number of regular troops in proportion to the numbers kept up by our neighbours, I am sure we can neither defend ourselves, nor offend our enemies. On the supposed miscarriages of the war, so unfairly stated, and so unjustly imputed to me, I could, with great ease, frame an incontrovertible defence; but as I have trespassed so long on the time of the House, I shall not weaken the effect of that forcible exculpation so generously and disinterestedly advanced by the right honourable gentleman who so meritoriously presides at the Admiralty.

"'If my whole administration is to be scrutinised and arraigned, why are the most favourable parts to be omitted? If facts are to be accumulated on one side, why not on the other? And why may not I be permitted to speak in my own favour? Was I not called by the voice of the king and the nation to remedy the fatal effects of the South Sea project, and to support declining credit? Was I not placed at the head of the treasury, when the revenues were in the greatest confusion? Is credit revived, and does it now flourish? Is it not at an incredible height, and if so, to whom must that circumstance be attributed? Has not tranquillity been preserved both at home and abroad, notwithstanding a most unreasonable

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cess; and if the negociation had ended without effect, we might have expected the common fate of arbitrators, the disobliging of both parties. Therefore, as it was our interest to keep well with both, I must still think it was the most prudent part we could act, to refuse the mediation offered.

The next step of our foreign conduct found fault with, is the Treaty of Hanover. Sir, if I were to give the true history of that treaty, which no gentleman can desire I should, I am sure, I could fully justify my own conduct; but as I do not desire to justify my own, without justifying at the same time his late majesty's conduct, I must observe, that his late majesty had such information, as convinced not only him, but all those of his council, both at home and abroad, that some dangerous designs had been formed between the emperor and Spain, at the time of their concluding the Treaty at Vienna in May 1725. Designs, Sir, which were dangerous not only to the liberties of this nation, but to the liberties of Europe. They were not only to wrest Gibraltar and

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and violent opposition? Has the true interest of the nation been pursued, or has trade flourished? Have gentlemen produced one instance of this exorbitant power, of the influence which I extend to all parts of the nation, of the tyranny with which I oppress those who oppose, and the liberality with which I reward those who support me? But having first invested me with a kind of mock dignity, and styled me a prime minister, they impute to me an unpardonable abuse of that chimerical authority which they only have created and conferred. If they are really persuaded that the army is annually established by me, that I have the sole disposal of posts and honours, that I employ this power in the destruction of liberty, and the diminution of commerce, let me awaken them from their delusion. Let me expose to their view the real condition of the public weal; let me shew them that the crown has made no encroachments, that all supplies have been granted by parliament, that all questions have been debated with the same freedom as before the fatal period, in which my counsels are said to have gained the ascendancy: an ascendancy from which they deduce the loss of trade, the approach of slavery, the preponderance of prerogative, and the extension of influence. But I am far from believing that they feel those apprehensions which they so earnestly labour to communicate to others, and I have too high an opinion of their sagacity not to conclude that, even in their own judgment, they are complaining of grievances that they do not suffer, and promoting rather their private interest than that of the public.

" 'What is this unbounded sole power which is imputed to me? How has it discovered itself, or how has it been proved?

" 'What have been the effects of the corruption, ambition, and avarice, with which I am so abundantly charged?

" 'Have I ever been suspected of being corrupted? A strange phenomenon, a corruptor himself not corrupt! Is ambition imputed to me? Why then do I still continue a commoner? I, who refused a white staff and a peerage. I had, indeed, like to have forgotten the little ornament about my shoulders, which gentlemen have so repeatedly mentioned in

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terms of sarcastic obloquy. But surely, though this may be regarded with envy or indignation in another place, it cannot be supposed to raise any resentment in this House, where many may be pleased to see those honours which their ancestors have worn, restored again to the Commons.

" 'Have I given any symptoms of an avaricious disposition? Have I obtained any grants from the crown since I have been placed at the head of the treasury? Has my conduct been different from that which others in the same station would have followed? Have I acted wrong in giving the place of auditor to my son, and in providing for my own family? I trust that their advancement will not be imputed to me as a crime, unless it shall be proved that I placed them in offices of trust and responsibility for which they were unfit.

" 'But while I unequivocally deny that I am sole and prime minister, and that to my influence and direction all the measures of government must be attributed, yet I will not shrink from the responsibility which attaches to the post I have the honour to hold; and should, during the long period in which I have sat upon this bench, any one step taken by government be proved to be either disgraceful or disadvantageous to the nation, I am ready to hold myself accountable.

" 'To conclude, Sir, though I shall always be proud of the honour of any trust or confidence from his majesty, yet I shall always be ready to remove from his counsels and presence, when he thinks fit; and therefore I should think myself very little concerned in the event of the present question, if it were not for the encroachment that will thereby be made upon the prerogatives of the crown. But I must think, that an address to his majesty to remove one of his servants, without so much as alleging any particular crime against him, is one of the greatest encroachments that was ever made upon the prerogatives of the crown; and therefore, for the sake of my master, without any regard for my own, I hope all those that have a due regard for our constitution, and for the rights and prerogatives of the crown, without which our constitution cannot be preserved, will be against this motion.' "

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and Port-Mahon from this nation, and to force the Pretender upon us, but they were to have Don Carlos married to the emperor's eldest daughter, who would thereby have had a probability of uniting in his person, or in the person of some of his successors, the crowns of France and Spain with the imperial dignity, and the Austrian dominions. It was therefore highly reasonable, both in France and us, to take the alarm at such designs, and to think betimes of preventing their being carried into execution. But with regard to us, it was more particularly our business to take the alarm, because we were to have been immediately attacked.

I shall grant, Sir, it would have been very difficult, if not impossible, for Spain and the emperor, joined together, to have invaded, or made themselves masters of any of his majesty's British dominions; but will it be said, they might not have invaded his majesty's dominions in Germany, in order to force him to a compliance with what they desired of him, as king of Great Britain? And if those dominions had been invaded on account of a quarrel with this nation, should not we have been obliged, both in honour and interest, to defend them? When we were thus threatened, it was therefore absolutely necessary for us to make an alliance with France; and that we might not trust too much to their assistance, it was likewise necessary to form alliances with the northern powers, and with some of the princes in Germany, which we never did, nor ever could do, without granting them immediate subsidies. These measures were therefore, I still think, not only prudent but necessary, and by these measures we made it much more dangerous for the emperor and Spain to attack us, than it would otherwise have been.

But still, Sir, though by these alliances we put ourselves upon an equal footing with our enemies, in case of an attack, yet, in order to preserve the tranquillity of Europe, as well as our own, there was something else to be done. We knew that war could not be begun or carried on without money; we knew that the emperor had no money for that purpose, without receiving large remittances from Spain; and we knew that Spain could send him no such remittances without receiving large returns of treasure from the West-Indies. The only way therefore to render these two powers incapable of disturbing the tranquillity of Europe was, by sending a squadron to the West-Indies to stop the return of the Spanish galleons; and this made it necessary at the same time to send a squadron to the Mediterranean, for the security of our valuable possessions in that part of the world. By these measures the emperor saw it was impossible for him to attack us in any part of the world, because Spain could give him no assistance either in money or troops: and as for the Spaniards' attack upon Gibraltar, it was so vain, we had no occasion to call upon our allies for assistance: a small squadron of our own prevented their attacking it by sea, and from their attack at land we had nothing to fear; they might have knocked their brains out against inaccessible rocks, to this very day, without bringing that fortress into any danger.

I do not pretend, Sir, to be a great master of foreign affairs: in that post in which I have the honour to serve his majesty, it is not my business to meddle with them; and as one of his majesty's council I have but one voice; but if I had been the sole adviser of the treaty of Hanover, and all the measures that were taken in pursuance of it, from what I have said, I hope it will appear, that I do not deserve to be censured, either as a weak or a wicked minister on that account; and now with regard to the guaranty of the pragmatic sanction, I am really surprised to find that measure objected to; it was so universally approved of, both within doors and without, that till this very day I think no fault was ever found with it, unless it was that of its being too long delayed. If it was so necessary for supporting the balance of power in Europe, as has been insisted on in this debate, to preserve intire the dominions of the house of Austria, surely it was not our business to insist upon a partition of them in favour of any of the princes of the empire. But if we had, could we have expected, that the house of Austria would have agreed to any such partition, even for the gaining of our guaranty? The king of Prussia had, it is true, a claim upon some lordships in Silesia, but that claim was absolutely denied by the court of Vienna, and was not at that time so much as insisted on by the late king of Prussia. Nay, if he had lived till this time, I believe it would not now have been insisted on; for he acceded to that guaranty without any reservation of that claim; therefore, I must look upon this as an objection, which has since arisen

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from an accident, that could not then be foreseen nor provided against.

I must therefore think, Sir, that our guarantying the pragmatic sanction, or our manner of doing it, cannot now be objected to, nor any person censured by parliament for advising that measure; but though it was prudent and right in us to enter into that guaranty, we were not therefore obliged to enter into every broil the house of Austria might afterwards lead themselves into; and therefore, we were not in honour obliged to take any share in the war which the emperor brought upon himself in the year 1733, nor were we in interest obliged to take a share in that war, as long as neither side attempted to push their conquests farther than was consistent with the balance of power in Europe, which was a case that did not happen; for the power of the house of Austria was not diminished by the event of that war, because they got Tuscany, Parma, and Placentia, in lieu of Naples and Sicily; nor was the power of France much increased, because Lorain was a province she had always taken and kept possession of, during every war she had been lately engaged in. And as to our disputes with Spain, they were not then come to such a height, as to make it necessary for us to come to an open rupture. We had then reason to hope, that all differences would be accommodated in an amicable manner; and whilst we have any such hopes, it can never be prudent for us to engage ourselves in war, especially with Spain, where we have always had a very beneficial commerce.

These hopes, it is true, Sir, at last proved abortive, but I never heard it was a crime in any one to hope for the best. It was this sort of hope that was the cause of the late Convention, and if Spain had performed her part of that preliminary treaty, I am sure, it would not have been wrong in us, to have hoped for a friendly accommodation, and for that end to have waited for nine or ten months longer, in which time the plenipotentiaries were by the treaty to have adjusted all the differences subsisting between the two nations. But as Spain failed in performing what she had agreed to by this preliminary, it put an end to all our hope, and then, and not till then, it became both prudent and necessary for us to begin hostilities, which were accordingly begun as soon as possible after the elapsing of the time in which Spain was to have paid the 95,000*l*. Thus the present war began, and as I am neither general nor admiral, as I have nothing to do either with our navy or army, I am sure, I am not to answer for the prosecution of it. But were I to answer for every thing, no fault could, I think, be found with my conduct in the prosecution of the war. It has from the beginning been carried on with as much vigour, and as great care taken of our trade, as was consistent with our safety at home, and with the circumstances we were in at the beginning of the war. If our attacks upon the enemy were too long delayed, or if they have not been so vigorous or so frequent as they ought to have been, those only are to blame who have for many years been haranguing against regular troops and standing armies; for without a sufficient number of such, in proportion to the numbers kept up by our neighbours, I am sure, we can neither defend ourselves, nor offend our enemies.

I now come, Sir, to the conduct of our domestic affairs, and here a heavy charge is laid, as if the nation had been run into an extraordinary and unnecessary expence, in order to prevent our being able to pay off our debts, or abolish our taxes. Sir, if there be any ground for this charge, it is a charge against both Houses of Parliament, as well as against the administration. No public expence has been incurred but what has been approved of and provided for by parliament; the public treasure has been duly applied to the uses to which it was appropriated by parliament, and regular accounts have been annually laid before parliament of every article of public expence. If by foreign accidents, by the disputes of foreign states amongst themselves, or by their designs against us, the nation has often been put to an extraordinary expence, that expence cannot be said to have been unnecessary, because, if by saving that expence, we had exposed the balance of power to danger, or ourselves to an attack, it would have cost us, perhaps, a hundred times the sum, before we could recover from that danger, or repel that attack.

In all such cases there will be a variety of opinions. I happened to be one of those who thought all those expences necessary, and I had the good luck to have the majority of both Houses of Parliament on my side of the question; but this, it seems, proceeded from bribery and corruption. Sir, if any one instance had been mentioned: if it had been shewn, that I ever

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offered a reward to any member of either House, or ever threatened to deprive any member of his office or employment, in order to influence his voting in parliament, there might have been some ground for this charge; but when it is so generally laid, I do not know what I can say to it, unless it be to deny it as generally and as positively as it has been asserted: and, thank God! till some proof be offered, I have the laws of the land, as well as the laws of charity in my favour. Some members of both Houses have, it is true, been removed from their employments under the crown: but were they ever told, either by me, or any other of his majesty's servants, that it was for opposing the measures of the administration in parliament? they were removed, because his majesty did not think fit to continue them longer in his service. His majesty had a right to do so, and I know no one that has a right to ask him, What dost thou? If his majesty had a mind that the favours of the crown should circulate, would not this of itself be a good reason for removing any of his servants? Would not this reason be approved of by the whole nation, except those who happen to be the present possessors? I cannot therefore see, how this can be imputed to me as a crime, or how any of the king's ministers can be blamed for his doing what the public has no concern in; for if the public be well and faithfully served, it has no business to ask by whom.

Upon the whole, Sir, it is a great comfort to me to find, that my enemies, after all their boasting, can lay no particular crime to my door, nor charge me with any one transaction, at home or abroad, that has not had the approbation of parliament. And whatever people may think of the wisdom of the administration, for I am sure I shall not desire them to think well of mine, their conduct will speak for itself. Our tranquillity has been preserved both abroad and at home, notwithstanding a most unreasonable and violent opposition to all their measures: the true interest of the nation has been pursued; our trade has flourished: a part of our debt has been paid off; and the landed interest has been very much eased, with respect to that most unequal and grievous burden, the land tax. I say so, Sir, because upon examination it will appear, that within these 16 or 17 years, no less than 8,000,000 of our debt has been actually discharged, by the due application of the Sinking Fund, and at least 7,000,000 has been taken from that Fund, and applied to the ease of the land tax; for if it had not been applied to the current service, we must have supplied that service by increasing the land tax; and as the Sinking Fund was originally designed for paying off our debts, and easing us of our taxes, the applying it in ease of the land tax, was certainly as proper and as necessary an use as it could be applied to.

But, Sir, I had almost forgot one fact, which seems to be a particular crime charged against me, I mean that relating to army debentures. I am surprized, Sir, to hear any thing relating to this affair charged upon me: whatever blame there may be in this affair, it ought to be placed to the account of those that were in power, when I was, as they call it, the country gentleman: it was by them this affair was set on foot and conducted, and I came in only to pay off those public securities, which their management had brought to a great discount, and consequently to redeem our public credit from that reproach, which they had brought upon it. These army-debentures being at a great discount, was a strong reason, and the reason that prevailed with the parliament, to apply the Sinking Fund first to the paying off those debentures, but they could not apply the Sinking Fund to that purpose, till it began to produce something considerable, which was not till the year 1727. That the Sinking Fund was then to receive a great addition, was a fact publicly known in the year 1726; and if some people were quick sighted enough to foresee, that the parliament would probably make this use of it, and cunning enough to make the most of their own foresight, could I help it, or could they be blamed for doing so? But I defy my most inveterate enemy to prove, that I had any hand in bringing these debentures to a discount, or that I had any share in the profits made by buying them up.

To conclude, Sir, though I shall always be proud of the honour of any trust or confidence from his majesty, yet I shall always be ready to remove from his counsels and presence, when he thinks fit I should do so; and therefore I should think myself very little concerned in the event of the present question, if it were not for the incroachment that will thereby be made upon the prerogatives of the crown. But I must think, that an address to his majesty to remove one of his servants, without so much as alleging any particular crime against him, is one of the greatest

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encroachments that was ever made upon the prerogatives of the crown; and therefore, for the sake of my master, without any regard to my own, I hope all those that have a due regard for our constitution, and for the rights and prerogatives of the crown, without which our constitution cannot be preserved, will be against this motion.

The whole debate continued from eleven o'clock in the morning till past three the next morning, before which time above sixty, supposed to be of the minority, left the House: so that on the division, the motion was carried in the negative, Ayes 106, Noes 290.

DEBATE IN THE COMMONS ON MR. SANDYS'S MOTION FOR THE REMOVAL OF SIR ROBERT WALPOLE: *From the Gentleman's Magazine.**] February 13.

Mr. *Sandys* stood up and spoke as follows:

Sir; the motion which I am about to offer, being made necessary by the present state of the nation, its reasonableness is to be evinced, and the approbation of the House to be gained, by a view of our foreign and domestic affairs, by an impartial comparison of our present condition with our past, by an accurate balance of our losses and acquisitions for near twenty years, and an examination to whom we are to impute our sufferings, or ascribe our acquisitions.

A display of our present state, and a view of the measures by which it has been produced, is a task too disagreeable to be undertaken upon any other motives than a conviction of its necessity; for who can be pleased with recounting error after error, with tracing the progress of corruption, with relating the insults of enemies, and the defection of allies, with enumerating fruitless negociations, expatiating on the idle solemnity of useless treaties, with examining the expence of armies by which no enemy was awed, and of fleets by which our commerce was betrayed? Who can be pleased with making a recital of calamities, by which, as he loves his country with greater ardour, he must be more sensibly affected?

The only motive, Sir, to the revival of ideas so painful, must be the hope of removing the present load of misery, and of obviating those measures by which we may expect it to be encreased; for every wise man, were he not animated by this hope, would lull himself in tranquillity, and avert his attention from dismal prospects and melancholy reflections, he would endeavour to avoid the anticipation of distress, and not suffer his sagacity to harrass him with a sense of those afflictions, which it could not furnish him with the means of escaping.

This is not at present our condition, we have yet in our hands the remedy of our evils, the authority of parliament is yet acknowledged though it has been long eluded; the people are still allowed to be the source of authority, though the authority which they have granted has been long used only to injure and oppress them; that power which is established by our constitution as the superintendant of our government, and the guardian of our rights, has been rather laid asleep than disabled, and may be awakened to vigilance and activity; it may once more restore us to happiness, and place the rights and privileges of the people of Great Britain beyond the danger of any future attacks.

That some vigorous exertion of our privileges, some effort of our constitution is now necessary, must be evident to every man who looks round on the state of the continent, or turns his eyes upon the face of our own country; he will, indeed, find little relief by changing the prospect, nor when he withdraws his eyes from devastations, slaughter, discord and confusion, will he be able to fix them upon any other objects than poverty, oppression and discontent. The destruction of our trade, and the ruin of our allies, must now be the subject of that man's meditation, whom his ill fortune shall incline to busy himself with political enquiries, who is unhappily solicitous for the public welfare, or who thinks it his duty to endeavour the service of his country and the happiness of his posterity. He will find that our politics have been employed only in counteracting the conduct of our ancestors, in overturning that fabric of power which they had raised by continual efforts of many centuries, and in weakening that constitution which the successive wisdom of parliament had formed, and to which it had been long the ambition of every good man to add new securities and supports.

* This important Debate was compiled for the Gentleman's Magazine by Dr. Johnson. It is most unaccountably omitted in the Collection of the Doctor's Debates, published in two volumes by the London booksellers.

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Since by the union of the different provinces of this kingdom under one monarch, a period was put to the incessant discord of petty princes, and our domestic tranquillity gave us leisure to observe the motions of other nations, it has been the perpetual maxim of British policy to obviate the designs, and to check the power of France; of this design, invariably pursued, our wars and our treaties for many ages afford a proof which will not be controverted, since it is evident that scarcely an army was raised for several centuries against any other enemy.

In time as the French grew more powerful by the suppression of independent sovereignties, the accession of new provinces, and the gradual acquisition of neighbouring territories, it was necessary to oppose them by policy as well as war, and to form alliances with those powers who being equally endangered by the daily encrease of their influence and the frequent extension of their dominions, were equally zealous with ourselves to reduce them to their ancient state of imbecility, or at least to hinder them from arriving at a degree of strength which would leave no hopes of resisting them.

This plan of conduct, Sir, became more eminently necessary, when under the last king they made an open discovery of their scheme of universal empire, when they made war without any pretence of injured rights, or disputable claims, extended their dominions only to gratify their ambition, and spread desolation over the world for 'the glory of their king.'

At this time, among other schemes judiciously planned and resolutely executed by the French under a wise, steady and vigilant ministry, who advanced the interest of their country to an height never attained before, who attended at once to a thousand designs without distraction, and promoted them at once without confusion, who cultivated amidst war the arts of peace, and amidst the luxuries of peace formed plans for war, a resolution was taken to improve the manufactures and extend its commerce.

This resolution, which like the rest was executed with firmness and strength to which all obstacles gave way, produced between France and this country, a species of competition more interesting than that which arose from her dominions on the continent, since she might soon be enabled to rival us in the ocean as well as on the land, and by the encrease of her fleets perhaps acquire the dominion of the narrow seas, and block us up in our own ports.

While they were thus enlarging their dominions, advancing their power and encreasing their wealth, the Revolution placed upon the throne of Great Britain a prince zealous for the liberties of Europe, acquainted with the importance of traffic, and whose education and interest had confirmed in him an inflexible hatred of France. By him we were awakened to a sense of our interest, and engaged in a war for the rescue of the continent, which though it did not produce all the advantages which might have been hoped from it, had at least this effect, that other nations likewise caught the alarm, and a confederacy was formed in the next reign by which the ambition of France was repressed, and quiet for some time re-established in the world.

The peace by which this war was terminated, has produced for more than twenty years a continual series of invectives, complaints, and declamations; our interest was said to have either been sold or given away; it has been asserted that we have lost by negociations what we had gained by our arms, and at the accession of the present royal family to the throne, the supposed author of the treaty of Utrecht was impeached, prosecuted and imprisoned for contributing to the aggrandisement of France.*

It might reasonably be expected, Sir, that those by whom all concessions to France had been so loudly censured, those who thought the expences and bloodshed of the most exasperated war preferable to a peace in which any conditions of advantage were granted to France, would have acted, when the power was transferred to their hands, in pursuance of their own principles, and have obviated with the utmost vigilance and caution any encrease of French greatness at the expence of the honour, or the trade of Great Britain.

Such expectations, Sir, might be rationally formed, and therefore those who had in the foregoing reign been distinguished as the irreconcileable enemies of France, those who had urged the continuance of the war with the most exemplary vehemence, who had cheerfully mortgaged the properties of their children, their grandchildren, and perhaps of their remotest descendants for the recovery and establishment of the liberties of Europe, and who had exclaimed against the treaty of

* See Vol. 7, p. 10.

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Utrecht as dishonourable, impolitic, and perfidious, congratulated each other upon the arrival of that happy hour, in which all power would be thenceforward intrusted to those who intended to use it, only for the security of our pure religion, and the confirmation of our constitutional privileges, the preservation of liberty, and the propagation of virtue.

For some time, Sir, it was not discovered how widely they had mistaken the designs of their associates; for the French, during the regency of the duke of Orleans, being wisely engaged in repairing the ruins of a long and destructive war, in restoring credit, and re-establishing trade, suspended their scheme of universal empire, till they should be able to prosecute it with vigour, and appeared wholly employed in the business of traffic and the arts of peace, that they might lull the world in negligence, and surprize the neighbouring powers in their security with an unexpected burst of invasion.

How that interval of time, Sir, was improved by this nation, it is not necessary to this question that we should enquire; it may be only observed, that no part of the present influence of the house of Bourbon can be imputed to opportunities given them by our distractions at the accession of the present royal family, since the rebellion does not appear to have been promoted by any foreign power, and the French at least were neutral in the dispute, or if some reports may be credited, contributed to defeat the designs of the adherents to the Pretender.

No sooner therefore, were the French at leisure to extend their views beyond their own frontiers, and revive their designs of invasions and conquests, than we likewise were enabled to renew our opposition, to watch their motions with equal vigilance, and to resist them with equal vigour.

But our ministry, Sir, which about that time began to submit implicitly to the direction of the gentleman to whom they now pay an unlimited obedience, were determined by motives very different from those which influenced their predecessors; they discovered with that sagacity which has guided them in all the labyrinth of their conduct, that to dispute every claim of the French monarch was a vexatious and laborious task; they found that the ministers of that court attained their ends by means of which it was not always easy to discover the tendency; that they sometimes deceived and sometimes frighted them, and always defeated their schemes if they were contrary to their own, and therefore despaired of success in political contests, or of arriving at superiority in the arts of negociation.

At every court of Europe, Sir, the interest of France gradually increased; its ministers were treated with respect, and their propositions heard with reverence; to the French was referred the distribution of dominion, and the partition of frontiers; they were considered as the arbiters of the world, and the supreme tribunal to which appeals were to be made by contending monarchs.

Affrighted at this formidable encrease of power, our ministers thought it necessary to court those whom they despaired of resisting, and resolved upon making a political experiment, which the most daring of our former ministers durst not attempt. They imagined that it was possible to unite the two nations in a lasting friendship, to reconcile those interests, which had from the earliest ages been opposite, and to extinguish those animosities which every father in each nation had always been accustomed to enkindle in his children.

This union, Sir, however absurd, however unconceivable, was attempted in the memorable treaty of Hanover, in which we fled to France for protection, from an invasion reported to be projected by the emperor of Germany and the king of Spain, who had combined, as our ministers prevailed upon our late sovereign to declare, in a confederacy to extirpate our religion, subvert our liberties, and raise the Pretender to the British throne.

Whether our ministers believed this report, or whether they made use of it only to facilitate their scheme, they are in the same degree qualified for the direction of affairs, since those who impose upon the people, or who can be thus grossly deceived themselves, may equally be expected to destroy their country.

The subtilty with which they have sometimes formed arguments in defence of the most pernicious measures, and the art by which they have for twenty years supported their power, in opposition to the interest and the voice of the people, and the address with which they have defeated the wisest and justest attempts to re-establish the honour, and recover the commerce of the nation, incline me to believe that they were not really alarmed with any dread of either Germany or Spain, and that they

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knew themselves sufficiently secured by the sea from nations that had no fleets, or none that might not have been destroyed by the naval force of Britain, while they were yet in sight of their own ports.

They had recourse however, Sir, to the French in this imaginary distress, and found it not very difficult to obtain a full promise of security from attacks of which their protectors knew that they could never be designed but by madmen, or executed but by supernatural powers; and how loudly did they boast of the address by which they had averted a danger so pressing and so formidable!

It is not possible, Sir, even for those who have the quickest sense, and the most extensive views of the consequences of this contemptible conduct, to forbear some degree of merriment at the exultation which it produced in those who had projected it; every man was eager to be thought the author of so judicious an expedient, and it may be ascribed to the modesty of the president of the ministerial counsels, that having secured us from the Pretender and his airy troops of Spaniards and Germans, who were to have landed from the clouds upon the coast of England, he did not demand a statue, inscribed 'To the Deliverer of his Country.'

Thus, Sir, we were happy in the protection of our new ally, we were not only set free from the necessity of endless contests with a formidable neighbour, an incessant solicitude for the preservation of our naval superiority, and the fatigue of continual attention to all the designs of the restless French, but were to receive the benefit of politics without study, and of victories without danger, we were to slumber in security and plenty, and to be regarded by all the nations of the world, as the favourite allies of France.

The French name, Sir, was to be the passport of our merchants in the remotest corners of the world, and the French guaranty the security by which our monarchs were to be supported on their own throne; nothing was to be attempted hereafter to our disadvantage or molestation, and a new scene of happiness and safety was to be introduced by the friendship of France.

In vain was it represented, Sir, that the interest of Great Britain and France remained still opposite, that nothing had happened which altered the general state of Europe, that every motive of competition still subsisted, that we were still rivals in trade, and adversaries in religion, and that the same effects were always to be expected from the same causes.

To as little purpose was it enquired, by some who had not forgotten the French maxims of policy, at what price all this appearance of zealous friendship was acquired, what claims we had resigned, what principles we had abjured, what part of our commerce we had agreed to sacrifice, and how we were to contribute to the farther exaltation of the house of Bourbon? The courtiers endeavoured to persuade others, as they had persuaded themselves, that the French were pleased with this alliance for its own sake, that they considered our ministry as men whom it was their greatest happiness to gratify, that the obligations were the same on each side, and that each nation was to promote the other's happiness. Great Britain and France were always to have one interest and one view, and the rest of the world was to be excluded from the benefit of this confederacy.

In a short time, Sir, the usefulness of our new allies began to be discovered; the Spaniards plundered our merchants, insulted our flag, and besieged the fortress of Gibraltar. It might have been now expected that the French would have exerted their influence at the court of Spain, and have re-established friendship upon equitable terms, between their ancient and their new confederates, or that they would have assisted us with troops for the preservation of a place granted to us by the most solemn treaties; but they, content with preserving us from the Pretender, looked without concern on slighter injuries, and left us to defend ourselves by our own strength.

Had they, indeed, continued neutral, our ministers might have boasted of their influence, and have exulted in the success of those negociations by which Spain was disunited from so powerful a friend; but they found a method of procuring advantages to Spain more efficacious than open declarations in her favour; for when in compliance with the demands of the nation, a fleet was fitted out, and one of our bravest admirals was dispatched to America, the French forbad the Plate-ships to be seized, and had the satisfaction of seeing Great Britain no less weakened, than if a naval battle had been lost. The Spaniards suffered no other inconvenience than confinement in the harbour, and a short delay of their annual treasures; while our admiral was languishing with melancholy, our

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sailors dying by multitudes, and our ships rotting without action.

All our disputes, Sir, with Spain, were at length in appearance terminated by another treaty equally judicious with that of Hanover, a treaty by which we stipulated to confer upon a prince of the house of Bourbon, dominions to which neither he nor ourselves had any right, and by that stipulation, added new power to a family in whose hands were already almost all the wealth and power of the world, whose desires to enslave the rest of mankind were open and avowed, and whom therefore it is the general interest of every nation to weaken and repress.

This concession, Sir, by which our ministry imagined that they had procured at least an interval of quiet, and perhaps flattered themselves that they had for ever secured the friendship of Spain, had no other effect, than to shew that they were to be governed by menaces, and frighted into compliance with the wildest demands. The Spaniards justly imagined, that the same conduct which had introduced them into Italy, might, if steadily prosecuted, procure them farther advantages, and that nothing but insolence, rapine, and obstinacy, was necessary to enslave the British nation.

This project, Sir, was for many years steadily pursued; every month brought accounts of new seizures and new cruelties, cruelties which no enemy but Spain would practise in the utmost malignity of war, and which were attended with such circumstances, as shewed rather the wantonness of contempt, than the rage of hostility, and to which they could be incited only by the confidence of exemption from revenge.

Such was the treatment, Sir, which the people of England were doomed to bear from year to year, which it was made the highest merit to palliate or conceal, and of which it was a proof of disaffection to complain; and such had been the treatment to which we must always have been content to submit while these men continued in power, had not the outrages been too notorious to be concealed, and too frequent not to raise the indignation of a people accustomed to hear of nothing but the success of their arms, the extent of their influence, and the submission of foreign nations.

The people, roused by honest writers to a sense of their shame, their misery, and their danger, had recourse to their representatives for redress, every commercial body in the nation pressed forward with their petitions to parliament, the ministers saw his schemes in danger of miscarriage, and his country rising once more into reputation and dignity. He knew that his own prosperity and that of the public were not consistent, and there is no reason to believe but that he easily prevailed upon himself to prefer the first.

His dependents, therefore, were encouraged to exert all their power and all their art against the merchants, to weaken by every method the influence of their petitions, to deny the facts alleged by them, to asperse them as men desirous of embarrassing the government, to vilify them as wretches whose interest did not deserve the attention of the parliament, and who might be given up to the Spaniards to be tortured without any disadvantage to the public, or to represent them as followers of an unlawful trade, who were justly punished for their encroachments on the dominions of another monarch.

But being driven from all his subterfuges by the force of truth, and the steady perseverance of his opponents, by whose ardour and firmness, animated by the general voice of the nation, he was intimidated even when he defeated their schemes by superior numbers, he was at length obliged to an appearance of preparations for war. Yet he did not remit his endeavours to destroy the honour of the nation and to secure the Spaniards from punishment by a dishonourable treaty, and by an agent very capable of prosecuting his designs, was at length contrived the Convention.

This infamous stipulation, Sir, has been so lately examined, so generally censured, and so weakly defended, that I shall not protract the business of the day by shewing what is already known, not only to every member of this House, but to every man in the nation, that our incontestible claims were rendered precarious, and those rights of which an acknowledgment in the most explicit terms ought to have preceded the first essay of a treaty, were referred to the future discussion of commissioners, by whom it was to have been decided, whether Great Britain had a right to a free navigation in the American seas.

I have wondered on many occasions what it is which puts a stop to the measures of those men, who have broken the restraints of reason and justice, and by what rule

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those demands are limited, which are made without regard to right. When the Spaniards demanded that our claim to the use of the American sea should be examined, I know not why they did not insist on the like enquiry into every other claim, and am astonished that they did not propose commissaries to debate our pretensions to the city of London.

Even this momentary refuge of our ministry was not granted without a secret Article, by which it was made void; nor perhaps without other conditions equally infamous, for such, the care with which the papers relating to that affair, have been concealed, may give us reason to suspect.

At length, Sir, the minister could delay the appearance of war no longer, nor could he gratify his French allies, by any other method than that of obstructing the success of those forces which he was obliged to raise, and of prohibiting those fleets to molest the Spaniards which were fitted out against them. This method he practised with such success, that with all the advantages of superior force, we discovered no effect of our armaments but additional expence, and suffered all the calamities of war without the pleasure of triumphs, or profit of conquests; while the Spaniards lay quiet in their ports, or removed to places of greater plenty, as our fleets retired to give them opportunities of changing their stations.

This farce of war had, however, this convenience, that it furnished new pretences for embarrassing our merchants, and obstructing our commerce; for no sooner were our ships of war put into commission than embargoes were laid with the utmost rigour, the violence of impresses was wantonly practised, and the merchants were deprived of sailors, only to man fleets which were neither employed in the annoyance of enemies, nor in the protection of commerce; and which served no other end than that of showing that we had strength but wanted courage, and that a nation is only formidable as its governors are wise and honest.

Our admiral in the Mediterranean, a strict observer of his orders, floated with an idle pomp of hostility from port to port, and displayed upon different coasts the wealth of impotence and folly: nor can it be shown that he has once endeavoured to obstruct the naval designs of our enemies, whom he suffered to sail from Cadiz to Ferrol, and, in conjunction with the French squadron, from Ferrol to America,

where Vernon, with a stubborn contempt of peaceable precepts, had imprudently drawn upon himself the indignation of the minister, and shown by destroying the fortresses of our enemies, with only six ships, how impotent they would be found wherever the whole naval power of Great Britain should be honestly and resolutely exerted against them.

For this rash procedure, this perfidious vindication of the rights of the British nation, he was doomed to destruction by the minister, whose allies the French were therefore united with the Spaniards against him, while all the succours which he demanded were obstinately delayed.

That this admiral was not destroyed by an unexpected attack, and crushed by the united strength of two nations, without any intelligence of his danger, cannot, Sir, be ascribed to the care of the minister, whose disappointment at the success of an enterprise, was visible in the countenances of all those whose looks, as well as votes, are regulated by him. When the account which was brought of the destruction of Porto Bello filled our streets with illuminations, and elevated the mind of every man who had not sold his country, the friends of the minister alone hung their heads with dejection, and, while others were exulting at the punishment of Spain, murmured vengeance against the British commander, whom they appeared to consider as an enemy to the government, only because he endeavoured to rescue it from that contempt which had been brought upon it by a continued train of humble supplications, weak compliances, and unnecessary treaties.

The Spaniards, however, did not make all the use that might have been feared of the opportunity which their friend had put into their hands, but, in imitation of our conduct, disgusted their allies, who returned therefore without attempting any thing against us.

Nothing indeed can more evidently show how little value was set by the French upon the friendship of our minister, and how fully they were convinced that all our concessions were the effects of cowardice, and by consequence would be most probably secured by insolence and contempt, than their declarations in favour of Spain, at a time, when, by his connivance, they were repairing the port of Dunkirk; that port which, at the treaty of Utrecht, they had been compelled to destroy,

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which they had solemnly stipulated never to restore, and from which more molestations might arise to our commerce, than from all the other coast of France.

The demolition of this harbour was always acknowledged to be the chief advantage obtained for this nation by that ministry, whose conduct has been so incessantly censured by their successors, and who have been charged, however irrationally and unjustly, with having brought upon Great Britain all the calamities which she has suffered to this time. A charge, Sir, not very decently urged by those who not only imitate them in their concessions to France, but have even given up the most important article of that treaty, which they condemned as not sufficiently favourable to our interest.

The reparation of Dunkirk, as it is well known by all those who remember our losses in the late war, will enable the French to crowd our channel with privateers, and pursue our merchants even to our own ports. And that minister, therefore, who consents to the violation of this article, cannot but be considered as an open enemy to the commerce of this nation, and a subject of France, rather than of Great Britain.

But our minister, Sir, who knew that his influence amongst the French was not such as could prevail upon them to desist from their design, endeavoured partly to conceal their progress, and partly to persuade the nation that he should interrupt it at some more proper time. He therefore appeared to apply himself to a zealous prosecution of the war, and fitted out fleets, and levied troops with the same tumult of preparation, as if the whole earth had combined against us, as if new Armadas were equipped for the conquest of our country, and armies were preparing to descend upon our coasts.

Thus he endeavoured to divert the attention of the public from every other part of his conduct, to make the people patient under unnecessary taxes, under the obstruction of their commerce by tedious embargoes, and the capture of their vessels by the Spanish rovers.

The negligence with which our trade has been superintended during the war, is sufficiently proved by the losses which we have suffered, and suffered from an enemy whom we justly despised for his weakness, whom we imagined vanquished as soon as he should be attacked, and from whom we dreaded nothing but that he would be supported by the power of France.

The experience which we have long had of our minister's politics and integrity, had not yet informed us that our enemies would find from him that support which the French might be unwilling to afford them, and that they would be enabled by the plunder of our merchants, to continue the war against us.

We did not suspect, Sir, that our channel would be left unguarded, and that our ships would be seized by fisher-boats, within sight of our own shores; that we should be insulted like a petty state in our own harbours, and condemned to suffer the miseries of war without reprisals and without resistance.

What was never known to have happened before, those who judged from history, did not fear or suspect on this occasion; they imagined that we should have enjoyed ease and plenty, while the coasts of Spain would be harrassed by our fleets, their country laid waste by sudden incursions, their towns flaming with our bombs, and their castles shattered by our cannon. They imagined that, in imitation of all others who are provoked by an enemy of inferior force, we should have carried the war to a great distance from our own dominions, and that instead of suffering our merchants to be insulted and rifled in those seas of which we have boasted for many centuries the absolute command, we should have stationed our fleets before the Spanish harbours, and have destroyed their ships as they ventured out to sea.

How different has been our conduct, Sir, appears from the public papers of every day, papers which, when they are perused by the people in expectation of narratives of some fortress stormed, or some fleet destroyed by the British admirals, exhibit only the melancholy accounts of our sailors languishing in chains, and our merchants reduced to sudden poverty; or relate the number of ships which have been deprived of their crews by impresses, which lie in the ports waiting for convoys, delayed without reason, or which have been forsaken in the open seas, by those appointed to conduct and protect them; thus lured from their harbours by an appearance of security, only that they might fall more speedily into the hands of the Spaniards.

Such was the conduct of our minister in this war; such, Sir, the fidelity and vigilance with which the public interest has

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been regarded. He engaged in it unwillingly, and prosecuted it without desire of success, or at least employed such means as never produced it.

Every fleet that has been equipped, every attempt that has been proposed, and every precaution that has been taken, has been nothing more than an expedient to pacify for a few days the clamours of the people, and to free parliament from the importunity of hourly petitions, or perhaps to deceive his majesty into a belief that his subjects were well protected, that his claims were vigorously asserted, and his honour carefully preserved.

That this was the minister's only intention, appears from all his proceedings; when fleets have been equipped, and the murmurs of the people suspended by their expectations, they were detained in the harbour till their provisions were spent. When the complaints of the nation are renewed, fresh orders are issued out for supplying the fleet with provisions, which are expended again in the same manner.

But nothing, Sir, more plainly discovers the tendency of his schemes, than the manner in which he directed provision to be made for the land-service of America; for what can be more justly inferred, than that he cannot desire to obtain the end, who rejects the means? And what means are of use in military operations but discipline and experience?

But if this war be terminated happily, we must owe our victories to soldiers without discipline, conducted by officers without experience: since it is well known, that instead of regiments long established, accustomed to obedience, and exercised in arms, we have sent against the Spaniards only a collection of boys, with weapons in their hands which they knew not how to use, and commanded by officers that cannot instruct them.

Nor are the Spaniards indebted to him only, for the inexperience of the forces sent against them, but for the leisure which he has granted them to secure their towns, and augment their garrisons. While the embarkation of our forces was delayed only that we might not send troops from whose valour and dexterity success might have been feared, the Spaniards improved every hour that the kindness of their ally afforded them, and made all the necessary preparations for obstinate defence.

Thus, Sir, did our minister labour with indefatigable industry, to incline the balance in favour of Spain, by subtracting weight from one scale, while it was added to the other. What will be the consequence of his measures, it is not yet possible to tell; but it may be justly feared, that they have been too well concerted, and that Spain will obtain such advantages by his kindness, as must at least protract the war, and embarrass our trade; though it may be reasonably hoped that we shall not be discouraged from asserting our just claims, by defeats which we can only suffer from negligence or treachery.

Such, Sir, has been the conduct of sir Robert Walpole, with regard to foreign affairs: he has deserted our allies, aggrandised our enemies, betrayed our commerce, and endangered our colonies; and yet this is the least criminal part of his ministry. For what is the loss of allies to the alienation of the people from the government, or the diminution of trade to the destruction of our liberties?

That the people are universally discontented, I am under no obligation of endeavouring to prove, while an army is supported only to restrain them from rebellion: for no other reason has been given by the annual advocates for a military establishment. Those indeed, who urge the danger of the Pretender's attempts, may perhaps make use of other words, but their meaning, if any meaning can be allowed them, is apparently the same, for the Pretender can never obtain this throne but by the concurrence of the majority, and that concurrence can only arise from their disapprobation of the present government.

But to what cause, Sir, can be imputed a discontent so general, and a detestation so vehement, to what can we ascribe a desire of an apparent evil, an affection to a prince of a different religion, of a religion which privileges perfidy, and sanctifies persecution? How can it be imagined that men should form a wish to be subject to a monarch educated among their enemies, in countries governed by arbitrary power, and who must consequently be infatuated with every wild opinion of the unlimited extent of royal prerogatives, and believe himself entitled to trample upon law, to subvert privilege, and to plunder property?

How miserable must be the condition of that people, whom an army is necessary to restrain from a choice like this! what calamities, what oppression must they feel, who can fly to such remedies for relief! Were we governed like reasonable beings,

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that man only ought to be condemned as disaffected to his majesty, who should dare to charge the people with disaffection: for surely no man can more openly or more virulently libel the government, than those who declare that the nation would change it for subjection to the Pretender.

That there is any such desire among the people, Sir, I am far from affirming or believing, for they are too well instructed in the tendency of the religion which the Pretender professes, to desire to see it the religion of their king, and too well acquainted with their own rights, to think that when they cannot deliver themselves from misery, the Pretender will be able to deliver them.

The representations which have been made of their impatience, every man knows to be true; every man sees their misery, and hears their complaints and their menaces; but their menaces must be feared before their complaints are regarded by those whose hearts corruption has hardened, and whose sensibility is extinguished by the luxuries of a court.

To dissipate their own fears they have established an army in opposition to the fundamental laws of the kingdom, and defend their concurrence in this establishment by alleging the discontent of the people; that discontent which only their measures have produced, and which nothing can more increase or confirm than a Standing Army.

By an army, Sir, distinct from the rest of the community, subjected to particular laws, commanded with absolute authority, and quartered in the country, to fatten in idleness, and insult those by whom they are supported, the anger of the nation must be continually enflamed, though the effects of it may for a short time be prevented; and what fatal consequences may be produced by hourly aggravations of distress and new incentives to sedition, any man may venture to foretel from a common acquaintance with the conduct of mankind, and a very slight knowledge of the history of former ages.

It may reasonably be expected, that the people will not always groan under their burdens in submission; that after having enquired why they were imposed, and from what necessity it arises that they are every day increased, they will at length resolve to shake them off, and resume into their own hands that authority which they have intrusted to their governors, that they will resolve to become judges of their own interest, and regulate those measures, of which they must support the expence, and in which nothing but their advantage ought to be regarded.

When this important period shall arrive, when justice shall call out for the corrupters of their country, the deserters of their allies, and the enemies of commerce; when liberty shall publish the crimes of those by whom she has been long ridiculed and oppressed; when the cries of the exasperated people shall be too loud to be repressed, and vengeance shall impend over those heads which have so long been lifted up with confidence, against truth and virtue, then will be the time in which the army must become the refuge of those who have so long supported it.

Then will the corrupter and his associates, the lacqueys of his train, and the slaves of his levee, then will those who have sold their country for opportunities of debauchery, and wasted the rewards of perfidy in the pleasures of the stews of the court, implore the protection of their military friends, and request them to repay those benefits which they have formerly received. What is, then, to be expected, but that either they will be given up to punishment by those whom they have pampered at the expence of the public to secure them from it, which is most ardently to be hoped? or that the people will have recourse to arms in assertion of their demands, and that the nation will be laid waste with all the devastations of a civil war? that at length either Britons will be for ever deprived of their liberty, that all our rights will be extinct and our constitution at an end? or that victory will declare on the side of justice, that the arms of the people will be succesful, and that the courtiers and their protectors will perish together?

Such, Sir, are the prospects which the continuance of a Standing Army sets before our eyes, a species of oppression unknown to any former age, and which must end either in the ruin of the nation, or the destruction of those who have introduced it for their own advantage.

The defenders of this hateful establishment, first calumniate the nation, and then punish those crimes which they have falsely charged upon it; they affirm that those are enemies to the king who censure the minister, and raise and maintain those forces for the defence of the government which they can use only for their own.

The murmurs of the people, Sir, how-

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ever incessant, or their menaces however loud, are no proofs of disaffection to his majesty, nor arise from any persuasion that another is entitled to his throne. The people indeed desire a change, not from a restless lust of novelty, and much less from a surfeit of happiness, as some have affirmed who grew rich by taxes and imposts, and who have learned the art of regarding no interest but their own, and of charging all those with counterfeited distress, who complain of miseries not felt by themselves. The people, Sir, desire a change from a just impatience of intolerable burthens, and a wise foresight of approaching miseries, they desire a change not of their sovereign, but of his minister, and desire it so ardently, that it will not be safe longer to deny them the satisfaction of discovering, that their cries are not entirely disregarded, and that the interest of a single man is not put in the balance against the happiness of the whole community.

It may be asked, why their resentment is directed against this person, why they have singled him out from the crowd with which he is surrounded, as the open and declared enemy of his country, why they look upon him as the principal author of all their miseries, why they should imagine that the public prosperity can never be restored, till his counsels shall be no longer heard, and his authority no longer regarded?

To these demands it will readily be answered, Sir, that they consider him as the source of their misery, because they see him the source of wealth and power; that wealth which has been drained from them by exactions, only to be lavished on those who betray them; and that power which is of no other use in the hands to which it is committed but to add oppression to oppression, to arm the laws against them, and subject them to the will of the court.

They select him from those that encompass him, by the same tokens that distinguish an idol from its worshippers; they see all that surround him cringing to his superior power, and making humble offerings of their consciences, their votes, their liberties, and their posterity.

What are the measures, Sir, by which he has drawn the universal hatred upon him, neither he nor his dependants can be ignorant; he has exasperated the nation by destroying its alliances, diminishing its commerce, and obstructing its arms, and drawn yet a severer resentment upon him by projecting the ruin of its liberties.

It is well known, Sir, that to enjoy liberty, is to be governed by laws not arbitrarily imposed, but enacted by the consent of those whose obedience is required to them, and it is equally evident, that the people can only consent by the voices of their deputies, that therefore they can only be free by the possession of a free choice of their representatives, and that so far as they are constrained in those elections, their liberties are taken away. For of what importance is it, whether I am obliged to accept every proclamation for a law, or am compelled by menaces of prosecutions, and the terrors of oppression, to chuse a representative, who, without enquiring into my opinion, will vote at the direction of the reigning party, will regard no advantage but his own, and will raise his fortune by the sale of his constituents? Where is the difference, whether my property is taken away by open violence, or given up by a man whom I was constrained to trust, in whose integrity I have no confidence, and of whose abilities I have had no experience?

This foundation of all our privileges, this basis of our constitution, Sir, which our ancestors imagined they had fixed too deep to be over-turned, and spread too wide to be shaken, it has been the hourly labour of the minister to weaken by imperceptible degrees. No expedient has been forgotten that might diffuse corruption, and promote dependence; fear and hope have been equally employed; those who could not be terrified have been caressed, and those whose understanding enabled them to discover the tendency of false caresses, have been harrassed with menaces and hardships.

Not only the great employments of the kingdom, but every petty post, Sir, has been divided upon various pretences, under various denominations. Thus those offices which formerly secured a single vote, because they were usually conferred upon men of spirit and integrity, have now been made sufficient to influence boroughs, by being distributed among wretches who have neither understanding to know their duty, nor resolution to perform it, and who, therefore, sell their honesty and their freedom at a very low rate.

For the same purpose, Sir, penal laws have been multiplied, which may be relaxed or enforced at the pleasure of the minister, who, having in his own hands the nomination of all the officers employed in the execution of them, can exasperate or

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moderate them at pleasure; can direct them where to be vigilant against the appearance of transgression, and where to connive at real violation; when to slumber over the most notorious frauds, and when to magnify suspicions, and harrass the innocent.

This method, Sir, of propagating his power, has indeed been sufficiently successful; he has reduced many of the boroughs of the kingdom under absolute dominion, and can now sit in his closet, and nominate a great part of those men who yet assume the stile of the representatives of the people.

The vigilance with which he has extended his regard to the whole subordination of the government, and the care with which he has chosen the lowest officers, are indeed proofs of a very active mind, and an extensive comprehension, which it had been happy if he had endeavoured to apply to better purposes.

But, Sir, his most masterly attempt for the establishment of universal slavery, on which he laid out all his interest, and all his subtilty, in which he laboured with incessant application, and defended with the most tenacious obstinacy, was the scheme of extending the laws of excise.* By this he would have put a stop to all farther opposition of ministerial power; by this he would have secured himself from the future trouble of corrupting and seducing individuals; he would have crushed the constitution at once, and as the tyrant of old wished to destroy mankind at a blow, our minister, not less heroically wicked, endeavoured by one fatal vote to oppress liberty for ever.

This, Sir, was indeed a compendious method of oppression, by which he would have diffused his spies and his agents over the nation, by which he would have forced his way into houses, learned the private affairs of families, and be enabled to govern every man in his own dwelling; he would have received every day the homage of the nation in the persons of the excisemen, his representatives, whom he had deputed to exact obedience to his will, and to deliver up his enemies to punishment.

To expatiate upon the nature of the excise laws, Sir, and to shew how much they infringe our most important privileges, would be to explain what every man has long known, and what the whole nation declared in the numberless Petitions by which this House was every day solicited while that dreadful question was depending, to have regard to the rights with which it was intrusted, and to preserve the people of England from becoming slaves to the drudges of corruption, from being plundered by the caterpillars of power, and insulted by the slaves of the slaves of the minister.

With how little compassion their terrors were regarded, Sir, and with how much contempt their remonstrances and arguments were heard by those whom a long dependance on the minister had hardened equally against reason and compassion, who had been taught by the example of their lord, to insult that misery which they had themselves occasioned, and to ridicule those arguments which they could not answer, is still remembered with resentment proportioned to the crime; nor can it be wondered that the people hold that man in abhorrence, who has openly professed to despise, and no less openly endeavoured to enslave them, who has attacked their privileges, and punished those who refused to resign them.

For to the opposition which the merchants of this kingdom raised against the project of extending the excise laws, it is reasonable to impute that settled hatred which the minister has conceived against them, which he seldom fails to express, however indecently, and which he exerts upon all opportunities without regard to policy or justice. Every motive, every principle has given way to the favourite design of harrassing the merchants, whom he considers as the most inflexible enemies of his claims, as situated most remote from his influence, and as the last whom he shall be able to sink into that implicit submission which he has been long accustomed to require.

To his scheme of subjecting this stubborn body of men, no less than to his alliance with the house of Bourbon, is perhaps to be ascribed his connivance at the Spanish depredations; from which, though it is not likely that his influence in foreign courts would have enabled him to prevent them, he might at least have secured many of our ships by convoys. But how little such favours were to be expected from him in time of peace, may be discovered from his unwillingness to grant them protection in open war, from his care to conceal their losses, and his attempts to vindicate those to whose trea-

* See Vol. 9, p. 1.

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chery or negligence they may justly be imputed.

And that no method of ruining his country may remain unattempted, that he may at least be secure in his designs against the public, he has found means of introducing dependance into parliament, and of depriving the people of all hope of justice or relief, by influencing that assembly to which in all former ages they have appealed; and which has seldom failed to redress their grievances, to drag from behind the throne the oppressors of the nation, and to stop up the sources of the public treasure, till these men have been punished who were found to have promoted wicked measures, and to have favoured any other interest than that of Great Britain.

To what can it be imputed, Sir, that the people have now for many years in vain solicited their representatives for enquiries into the conduct of public offices, that they have annually laid before them their miseries and their fears, without any other effect than the new mortification of seeing themselves neglected by those to whom they have entrusted the care of the commonwealth? What cause can be alleged for the conduct of late parliaments so different from that of their predecessors? Why do they now meet only to tax the people, and to flatter the court, to offer addresses, and to vote supplies? Why is there no regard paid to the remonstrances of our constituents, or why have so many years elapsed without one example of justice?

It surely will not be urged on this occasion, that this age is uncorrupt beyond the example of former times; since the open wickedness of the present generation has been often represented in this House in terms of the strongest detestation, by the vindicators of the ministry; and as it is not to be supposed that virtue is encreased by temptations to wickedness, or that those posts which have always been imagined dangerous to integrity, have now so much changed their nature, that they are become preservatives from corruption; as it is not to be conceived that they who dissipate their private fortunes in riot and luxury, have been always upright dispensers of the public treasure, the nation cannot but be excited to enquire, why parliament has been content to grant money without any solicitude how it was employed?

This alteration, Sir, of which the consequences are equally obvious and dreadful, can be imputed to no other cause than the endeavours which have been used by the minister to fill this House with dependants on the court, by scattering lucrative employments amongst them, which are to be held by no other tenure, than that of an implicit submission to his will, and a resignation of all private opinions to his unerring dictates.

When I see in this House, Sir, so great a number of men whose determination I know before the question is proposed, I am in doubt whether the motion which I am about to make will not be an useless effort, an unavailing appeal to a court whose sentence is already past, yet as the public miseries are too great to be any longer borne without some endeavours to redress them; as in my opinion no redress can be obtained but by depriving the minister of the power which he has so long and so openly abused, as the obstacles which are most likely to hinder the success of this attempt are every day multiplied, as corruption is continually advanced, and virtue hourly more contemned, I take this opportunity of moving, while yet the right of offering any motion against the minister remains, "That an humble Address be "presented to his majesty, that he will be "graciously pleased to remove the right "honourable sir Robert Walpole, knight "of the most noble order of the garter, "first commissioner for executing the of-"fice of treasurer of the exchequer, chan-"cellor and under-treasurer of the ex-"chequer, and one of his majesty's most "honourable privy-council, from his ma-"jesty's presence and counsels for ever."

Lord *Limerick:*

Sir; as I have been for some time a constant opponent of the measures by which the motion now offered has been produced, I suppose it will create no surprize, either in the vindicators or adversaries of the gentleman to whom it relates, that I stand up to second it. To add any thing to the representation which you have already heard of the miseries of the nation, will be equally difficult and unnecessary. It is known to all, that we are oppressed with taxes, and involved in war, that the war has been hitherto unsuccessful and ignominious, that our fleets have been manned by violence, and detained in our harbours upon false pretences, that our trade has been at once diminished by impresses, and betrayed by the denial of convoys.

If it were necessary, Sir, to give any

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other proof of the difficulties and distresses to which we are reduced, let it be remembered, how lately the right hon. gentleman himself declared, in the midst of our deliberations upon the ravages and insults of Spain, that we were not able to engage in a war, that we were without a single ally to support us, and that our own strength was not sufficient. Either this account of our condition was true or false. If it was true, what can be said in defence of the person who has destroyed those ties that conjoined our interest with that of the powers on the continent; who has broken the union which nature seemed to have formed, and which religion had confirmed; who has conducted our affairs with so much ignorance or perfidy, that he has disgusted one party without gratifying the other; who has drawn equally upon the nation the hatred of France and her enemies, and whom neither the house of Bourbon nor of Austria can be expected to favour?

How this could have been effected, Sir, it would not be easy for any man but our minister to discover; nor would even his absurd policy, and perverse subtilty, have been sufficient, had he not aided his own abilities by French counsels, and concurred with the inveterate and implacable enemies of Great Britain, to involve his country in distress.

If his account of the condition of the nation was false, this falshood alone is a sufficient motive to the proposition which has been offered; for surely that man ought to be removed from his majesty's counsels for ever, who, when his country was harrassed by the attacks of a contemptible enemy, when its commerce was every day obstructed, and its honour impaired, was so far from encouraging his fellow-subjects to the assertion of their rights, the revenge of their losses, and the reparation of their honour, that he endeavoured to sink them into cowardice, to depress them with false comparisons of the strength of their enemies with their own, and whose counsels have no other tendency than to encourage new insults, and prepare the people for submissive slavery.

Such counsels, Sir, must proceed, in my opinion, from other motives than regard to public felicity, and since nothing is more evident than that no man, who prefers any interest to that of Great Britain, ought to be intrusted with power or admitted to confidence, I declare, that in my opinion, the motion now made is necessary and just.

Mr. *Wortley*:

Sir; before the propriety of this motion becomes the subject of our debates, I think it necessary to propose, that the order of the House be strictly observed, which is well known to require, that every member against whom an accusation is brought, should retire out of this assembly, while his conduct is examined.

This procedure, which is established by immemorial custom, and confirmed by innumerable precedents, is founded likewise upon right reason; for as any member of this assembly may be said to be here tried by his associates, by men with whom he has at least concurred in public affairs, and with whom he has probably been more intimately conversant, it is proper to free our debates from those prejudices, which cannot but be raised by the presence of a man, who has been long regarded with friendship or esteem by those who are now become his judges: to banish that tenderness which may be produced by the sight of a companion or an acquaintance perplexed and disturbed; and perhaps sometimes to suppress that awe which may be raised in part of this assembly by a powerful offender, whose looks may upbraid some with the benefits which they have formerly received from him, and whose eyes may dart menaces upon those who are dependent on his favour.

It is evident that to preserve impartiality in our enquiries, and integrity in our decisions, all private regards must be laid aside; and that therefore objects which may impress or enforce them, ought to be carefully removed; and as the presence of the person accused may exasperate or intimidate his adversaries, or encourage his friends, or awe his followers, I move, That, while this question is debated, sir Robert Walpole be ordered to withdraw.

Mr. *Gybbon*:

Sir; this motion is so agreeable to the strictest maxims of justice, the most prudent methods of trial, and the standing practice of this House, that I cannot but second it as necessarily previous to the principal question.

The practice of this House is only to be proved by precedents, which are indeed sufficiently numerous; but because to recite all the instances which might be found in our journals, would unnecessarily retard the business of this day, I shall select only some of later date, which may shew beyond

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controversy, that our immediate predecessors did not deviate in this respect from the custom of ancient parliaments, and that this method of procedure was found too useful to be laid aside.

In the reign of king James the 2nd, when Mr. Coke was censured for the use of expressions disrespectful to the king, while the House was deliberating upon his offence, he was ordered to withdraw*.

When in the following reign, among other captains of the navy, capt. Churchill, a member of this House, was accused of taking money from the merchants whose ships he was appointed to convoy, he was first heard in his place, and then withdrew; so far as it appears, without waiting for an order which he knew the practice of the House would regularly produce†.

When in the examination of Francis Rainsford, the committee for receiving the public accounts, having reported that lord Faulkland had withdrawn a Letter which had been written by him, a debate arose upon the nature of the offence, and the punishment which it might be proper to inflict. Lord Faulkland having spoken in his own vindication, withdrew, and afterwards being called in and heard a second time, withdrew again. And another dispute arising on a succeeding day concerning 2,000*l.* irregularly received by lord Faulkland from the king, he again withdrew, after having made his defence‡.

In the same reign, Mr. Manley being charged with indecent expressions used by him in the debate upon the proceeding against sir John Fenwick; when the debate began, he was required to withdraw§.

More instances, Sir, might easily be collected, if more were necessary; but as these are sufficient to shew what has been the practice of this House, and as that practice may be justified by reason, I hope we shall be careful not to depart from it on this occasion.

Mr. *Bromley*:‖

Sir; I am very far from being convinced either by the arguments or precedents which have been produced, that the right hon. gentleman, to whom this motion relates, ought to be required to withdraw.

All the persons mentioned in the precedents which have been alleged, and all those that have been forbidden to be present at the debates relating to themselves, have been charged with some known crime, and are to be considered as standing for their trial. But the question in the present case, is not whether the right hon. gentleman has been guilty of the actions imputed to him, or the author of any particular counsels, but whether those actions are in themselves criminal, or those counsels really pernicious. He is not charged with any word or act which the laws of his country have determined to deserve punishment; but with conduct which his enemies propose first to prove criminal, and then to punish by a new method of prosecution.

In the instances, Sir, which have been mentioned to support this motion, the offenders have been allowed to hear their accusation, and to make their defence in their places; nor can I discover how any man's conduct is impartially examined, where he is not allowed to speak in his own defence; or how any man can defend himself, who is not permitted to hear the charge against him.

Mr. *Howe*:

Sir; these precedents are in my opinion so far from proving what is intended by them, that they seem to me not to have any relation to the present question, of which I have not yet been able to discover how it differs from the common enquiries that are made in this House.

Whenever we enquire into the expediency of past measures, our disquisitions cannot but affect those by whom they were conducted or advised; yet they are not therefore required to withdraw during our deliberations, but are expected to justify their counsels, to explain their motives, and excuse their miscarriages.

The charge, Sir, against the right hon. gentleman, is only a political enquiry into the conduct of the ministry for many years; nor has it been urged in such a manner as to relate particularly to him. There is, therefore, no reason for requiring him to withdraw, which will not equally shew that all those should retire at the same time, who have concurred in the measures disapproved by the gentleman that made the motion; who may then safely promise himself victory, when all those from whom he expects opposition shall be banished from the House.

* See Vol. 4, p. 1385.
† See Vol. 5, p. 439.
‡ See Vol. 5, pp. 800, 841.
§ See Vol. 5, p. 998.
‖ Created Lord Montfort, May 9, 1741. He died, January 1, 1755.

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Mr. *Ereskine:*

Sir; I am not surprized to find that on this occasion the friends of the minister have recourse to their usual arts of sophistry; and that they endeavour to protect his person by the same fallacies with which they have always vindicated his measures; that they labour to perplex our enquiries by an artful confusion of distinct questions, and that they are desirous to exclude light when it will only discover what it is their interest to conceal.

In their first fallacy, Sir, they have not indeed been very successful. Whether their anxiety for the event of the day has disconcerted their sophisms, or whether their cause will in reality admit of no better defence, their present plea is such as men celebrated for the acuteness of their penetration, and the readiness of their invention, might have been expected not to have alledged in a debate of so much importance to the nation, and, what has always more sensibly affected them, to themselves. Having had warning of the storm that was hanging over them, they should have provided themselves with some shelter against it that might not be easily thrown down; and not have thought it sufficient to assert, what they can never hope to prove, that there is no distinction to be made between this and any other political enquiry.

There is the same difference, Sir, between this and other political enquiries, as between national and personal transactions, between consultations and trials. The question in other debates relates equally to every man in the House; this affects one man of this assembly in a particular manner: and surely it will not be again asserted that it is an enquiry of the same nature, whether a member shall be expelled this House, or whether peace shall be concluded with Spain.

That this question will incidentally produce political debates, may reasonably be expected, because the errors or crimes charged upon this gentleman are chiefly political; and when the principal question is personal, that man to whom it relates ought to be withdrawn while it is debated.

Colonel *Bladen:*

Sir; I know not upon what arguments it is so positively asserted, that this is a question of a peculiar nature, and that it ought to be distinguished from other political disquisitions; and I hope the zeal of the opponents of the ministry, however ardent, will not prompt them to require, that what is not proved should be admitted.

I have always hitherto imagined, that those debates which are properly political in the interest of the public, are objects of enquiry; and as I know only two motives that can give occasion to the present motion, regard to public happiness, and the gratification of private resentment, I have been candid enough to believe, that it was made with no other view than the advantage of the nation.

Of this, Sir, indeed I was persuaded, by the observations with which the motion was introduced; for to what other purpose were all the disappointments, misfortunes and errors, whether real or pretended, of near twenty years so laboriously enumerated? For what end are we informed of the long continued insolence of the Spaniards, of our destructive alliances with the French, of the decline of our commerce, and the weakness of our arms? Why else are the losses of our merchants so pathetically exaggerated, and why are we told once more of the load of our taxes, and the discontent of the people?

If it be not imagined, Sir, that our compliance with the motion will remedy these calamities; and that the removal of one gentleman from his majesty's counsels, will revive our trade, and invigorate our forces; awe our enemies, and animate our allies; this long, this elegant declamation, has been nothing more than an effusion of ostentatious eloquence, without any intention of informing us; it has been only an overflow of malice, a torrent of invectives.

But if, as we ought to imagine, those by whom this motion is made and defended, are persuaded, that the counsels of one man have sunk the nation into disgrace, and that by depriving him of his influence, they shall restore the public honour and felicity, the debate, like all others, is an enquiry whether the measures which they propose will produce the consequences expected from them.

In the precedents cited to support the second motion, Sir, there is not the least appearance of a parallel with the present case. They were persons who had either committed an offence in the presence of the assembly by which they were to be judged, and against whom it was therefore unnecessary to produce evidence; or men convicted of offences by legal testimonies, and whose punishment was therefore the only subject of deliberation.

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Nothing is more reasonable, Sir, than that in these circumstances the offender should withdraw; for to what purpose should he continue in the House? The only reason he has a seat, the reason for which every other man has a seat, in this assembly, is the right of examining, deliberating and voting: and this right has undoubtedly ceased; since it would be absurd to consult any man with regard to censures which are to be inflicted upon himself, or to suffer him to vote in his own cause.

But, Sir, with regard to the right hon. gentleman mentioned in the present motion, the first enquiry must be, whether any of the measures objected to him are in themselves criminal; an enquiry at which he has the same right to be present with any other member, and may claim more justly a right to speak in the vindication of, as he is supposed to have been principally the author of them, and consequently to be more than others acquainted with the motives which influenced him in his advice.

If it should appear, Sir, which can hardly be hoped even by those who have been long accustomed to deceive themselves with sanguine expectations, and whom a perpetual train of defeats hath not awakened from their dream of success, that these measures have been really pernicious, and that the authors of them deserve punishment; must not those authors be discovered? Will not any particular person be at liberty to deny the guilt imputed to him, and may he not claim the common right of a British subject to stand face to face against his accuser?

That this may be justly demanded by him, Sir, appears even from those precedents which have been produced to prove that he ought to withdraw; for all the offenders were allowed to vindicate themselves in their places: and if it be allowed that the right hon. gentleman against whom the motion is directed, may hear his accusation, and offer his defence, I doubt not but his innocence will be evidently shewn, and that therefore there will be no room for deliberating on his punishment.

Mr. *Gybbon:*

Sir; if it be only required that the gentleman to whom this motion relates should hear his accusation, that privilege has been already enjoyed. He has already been accused of almost every crime which ministerial power could enable him to commit; he has been charged with destroying the security of those alliances which it is the invariable interest of this nation to preserve; with contributing to the exaltation of that house, which has never formed any designs but for the destruction of the common liberties of mankind, and for the attainment of universal empire; with neglecting the protection of our commerce, and betraying our merchants to plunder, and our seamen to slavery; with concealing and palliating the insolence of our enemies, and the violation of our rights; and with obstructing the operations of the war by treacherous delays, and hindering its success by denying our commanders the liberty of action.

The accusations, Sir, with regard to his domestic conduct are still more atrocious. He is taxed as an enemy to our privileges, and a violator of our constitution; as the projector of a military establishment by which the most pernicious measures may be defended; and as the corruptor of that assembly to which the rights of the people are intrusted. He has been openly charged with betraying his country, and with attempting to enslave it; and, after this, is it demanded that he may hear his accusation?

What other crimes those who know him best expect to hear alleged against him, I am not able to conceive; but by their demands they give us reason to imagine that they are yet afraid of some heavier charge, and that to have supported the public enemies, or to have formed a plan of general slavery, is not the highest instance of his guilt.

But whatever crimes, Sir, his favourites may have had opportunities of remarking, as their fidelity is too well known to afford any hopes that they will discover them, we should proceed to consider the facts already mentioned; he may therefore now produce what he may have to urge in his own defence; after which it is allowed by all, that he ought to withdraw.

Mr. *Pulteney:*

Sir; in all debates it ought to be our first care, that we do not suffer ourselves to be diverted from the principal question by considerations of small importance; and that we do not in the preliminaries of our disquisitions weary that attention, and squander those moments which should be reserved for higher purposes, in the pursuit of obscure enquiries, and the explication of intricate reasonings.

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Whether it is not required by the rules of strict justice, that the gentleman should retire, I cannot suddenly determine; but since we ought not, in the prosecution of an oppressor, to make use of those arts which we are endeavouring to prevent; and since to insist with much vehemence on his absence may be imagined to betray some diffidence of our cause, or fear of his abilities; I think it may very properly be left in his own choice to stay or retire on this occasion.

Mr. *Stephen Fox*:*

Sir; having had time to consider the charge against the right hon. person, whose conduct we are called upon by a very extraordinary motion to examine, I shall endeavour to answer every part distinctly; without deviating, at least without intending to deviate, from the order in which his imaginary crimes have been ranged, and his supposed miscarriages recounted.

I am far from thinking it necessary to apologize for the seeming vanity of undertaking an extempore answer to a laboured invective; I do not, Sir, pretend to display any uncommon strength of memory, readiness of apprehension, or command of argument on this occasion; for as I have heard nothing new, I have nothing new to reply. As the charge is only a complication of forgotten pamphlets, or a recollection of former debates, the answer can be little more than a recapitulation of those arguments, which every man in this House has heard, and must have heard with conviction.

I was indeed, Sir, very far from suspecting those, by whom this motion has been made and supported, of an attempt to prevail upon the majority of this House to condemn their own conduct, and to prosecute one of their members for measures which themselves approved. I did not doubt but that a motion so uncommon, arose from some uncommon cause, some imagined discovery of a secret combination with our enemies, an alienation of our claims, or a design against our liberties.

Full, Sir, of this expectation, I listened with the utmost impatience to every period of the speech by which the motion was introduced; and while we were told from what causes the discontent of the nation proceeds, while we were warned against the continuance of a standing army, informed of the daily increase of the power and influence of the house of Bourbon, and the hourly ravages of the Spaniards; while the oppressions of the excise were displayed, and the errors of the Convention enumerated, I could scarcely forbear to call out for the charge, for the new topic of accusation, to which I considered this long detail of censures as only preparatory; and which I supposed was to be represented as the result of all former misconduct, the complication of every different species of wickedness, and to which we were conducted as to the highest pinnacle of guilt by this gradation of perfidy, oppression, and corruption.

But, Sir, since my expectations are deceived, since malice has only traced its former steps, and that invective which began with the treaty of Hanover, has concluded with nothing more formidable than the prostitution of the parliament; I shall hope to dissipate, without difficulty, those clouds which have been raised to hide the truth from our eyes, and confute those objections once more which have been so often alleged, and so often answered.

The difficulty of a proper reply is now much diminished by the occasion on which it is to be made; for it has hitherto been necessary to shew the propriety and usefulness of those measures which were represented as dangerous or unprofitable; to obviate objections which the necessity of concealing private intelligence, or immature designs, did not always allow to be fully confuted; and to justify by long reviews, and difficult explications of the secret connection of events, those measures which, considered with regard to the circumstances which attended them, might seem rashly or imprudently concerted.

But, in debating the present question, all that can produce perplexity or hesitation, must be the distraction of the mind by different methods of apology, equally proper, and for the greatest part equally easy: for the motion appears to be unjust, whether those that oppose it shall evince, as they have often done, the propriety of the measures on which it is intended to fix an indelible censure, or shall shew that the person against whom it is directed did not transact them, or not without the concurrence of the other ministers, or the approbation of parliament.

With regard, Sir, to the treaty of Hanover, the difficulty of this choice will in-

* Created lord Ilchester and Strangeways, May 11, 1741; and earl of Ilchester, June 5, 1756. He died September 29, 1776.

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mediately occur; for though it might be easily dispatched by a declaration which almost every man in the nation knows to be true, that it was transacted at Hanover; and though the right hon. gentleman may with great security defy his enemies to prove that he was the original author of it, or that he promoted it otherwise than any other of the council; yet since some may desire a fuller account of that important affair, which, as it was transacted in the last reign, may not be otherwise known to some of the members of this House, than by wandering reports, or partial representations, I shall endeavour to shew, that though it has been long the occasion of groundless clamours it was not only prudent but necessary.

To place this affair in its proper light, it may be necessary to recapitulate some occurrences which preceded it, and to consider the state of the nation from the beginning of the late king's reign.

The difficulties with which the establishment of the royal family in these kingdoms were embarrassed, are well known and universally remembered. Our late king had no sooner taken possession of a throne, to which he was called for the defence of religion and the preservation of liberty, than discontent and jealousy were spread over the whole country: the people were already corrupted with idle doctrines, which had no other tendency than to facilitate the introduction of the Pretender, by teaching that an hereditary right is not to be forfeited, and that the acts of parliament, by which he was excluded, were empty forms, without validity and without obligation. These tenets were assisted by artful calumnies, and insinuations of pernicious designs; and the people were wrought by various motives to such a degree of phrenzy, that they imagined themselves obeying the dictates of their religion, while they were endeavouring to expel or destroy the monarch by whom it was supported; and imagined that their liberty could only be preserved by the advancement of a prince who would believe it his duty to persecute, and his right to enslave them.

Infatuated, Sir, with these wild notions of justice and policy, a great part of the nation thought it necessary to refuse obedience to the government; to set the laws at defiance; and to declare their adherence to another prince for whose service armies were levied, and whom a foreign monarch, celebrated for romantic valour and chimerical expeditions, was invited to establish. So little did these madmen in the heat of their zeal regard the welfare of their country, that they willingly exposed it to the plunder of rapacious mercenaries, and to all the devastations which were to be expected from troops accustomed to all the cruelties of war; restrained by neither tenderness nor interest, and who could only enter these kingdoms with a design to load themselves with plunder, and live at ease in their own country upon the wealth of Great Britain.

That this disturber of the world was snatched away by the chance of war, in the midst of new schemes for the ruin of nations, and new designs of augmenting his power; and the army of the rebels, for want of discipline and commanders, was easily overthrown; and that both justice and lenity were employed to influence the people, I need not relate; since the events are too recent and too public not to be remembered. But though the laws recovered their authority, and subordination was again established; it was not reasonable to imagine that force had produced any change in opinions, or that those whose designs had been defeated believed them unjust, because they had been unsuccessful. It might be with justice suspected, that those who durst clamour no longer openly, murmured in private; and that they whose swords had been wrested from their hands, would not fail to snatch them again, when they could promise themselves stronger support, or more resolute associates.

Such, Sir, was likewise the opinion of all foreign princes of the state of Great Britain, which they considered as governed by a king to whom more than half of his people were subject only by force, and whom it was easy to embarrass with insurrections whenever he should interpose in the affairs of the continent. They conceived the two parties in this kingdom to be in an equipoise, and believed that any neighbouring power might turn the balance.

It has been observed, that with regard to governors and subjects, power subsists upon opinion, and the same remark may be extended to the competition between different states. To be thought weak, and to be weak in reality, may sometimes produce the same consequences. Enemies in either case are excited to insolence, and invited to invasion; and though they may sometimes meet with resistance which they

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did not expect, they may likewise sometimes in the uncertainty of human schemes be conducted by error to the end which they proposed; and succeed by a concurrence of favourable accidents in enterprizes, which they were induced to undertake only by a weak confidence in false reports.

Thus, Sir, our divisions naturally impaired the influence of the king, and weakened his government even when all real danger of a revolution had ceased, when reason had regained its influence, and the phantoms of counterfeit loyalty had been dispelled by the light of truth. It was the interest of foreign princes to believe him still surrounded by enemies, and it is well known how difficultly opinions are eradicated which are complicated with favourite passions. There was in the nation a numerous faction who under various denominations, and upon various motives, favoured the claim of the Pretender; this faction was represented far more numerous, more powerful, and more restless than it was; and those princes whom chance or ambition made the enemies of the king of Great Britain, imagined that they had allies in his own dominions, that armies would start up out of our towns and villages at the promise of assistance, and that they might oblige him to submit to any terms, or pursue him to ruin, or to death, at the expence of his own subjects.

Such, Sir, was the opinion which prevailed in all the courts of Europe, at the time when our late king was informed that a confederacy had been formed against him by the courts of Madrid and Vienna; in which nothing less was designed than the destruction of our trade both in the Indies and the Mediterranean, the subversion of our liberties, and the advancement of the Pretender to the throne. Against this confederacy he secured the nation and himself by an alliance which counterbalanced it, and by entering into the Treaty of Hanover with France, divided the power of the house of Bourbon.

The confederacy of the Germans with the king of Spain, has been often ridiculed as improbable and imaginary; and those who could not deny its reality have represented it as an airy project, a scheme which it was not possible to execute, and which it was therefore not necessary to obviate by any extraordinary measures.

But the probability of such an alliance appears from a view of the state of the nation, and of the opinions of foreign princes at that time. It was natural to project the introduction of the Pretender into these kingdoms, because it was believed that he would be welcomed at his arrival by the acclamations, and supported in his enterprize by the arms of the people. It was rational to believe that they should be able to deprive us of our trade, because the necessity of establishing a new monarch would divert the attention of our government from foreign affairs, and it was not likely that any thing would be denied by him to such kind assistance, and so useful allies.

That the Spaniards were convinced of the possibility of this project, we may be assured, Sir, from the confidence with which they exposed a small body of their troops to be slaughtered, by landing them on the northern part of this island. No man can imagine that they expected from them alone either conquests or resistance; and it is therefore evident that they expected them to be joined by the inhabitants, and imagined the disaffection so general, and the people so warlike, that to erect a standard and to raise an army would be the same.

Nor will it be difficult to conceive that this opinion might be communicated with little labour to the court of Vienna, if we reflect how readily every prince hearkens to accounts that flatter his inclinations, and how welcome every report will always be found, that encreases our own dignity and power, by representing our competitors as unable to stand before us.

I am, Sir, indeed far from believing that the united power of Germany and Spain could have driven our monarch from his throne; or that the nation would even at that time have received the Pretender supported by a foreign power: but to infer that no such design was formed, because it would probably have failed in the execution, is by no means rational. It is to suppose that men are never blinded by their passions, or deceived by their intelligence; that opposite parties see the same objects in the same light, and that every man proportions his undertakings to his strength.

The error, Sir, of those princes was far from being such as could diminish their political reputation; if we suppose them zealous for their religion, the force of enthusiasm has been often seen; if we suppose their heads heated by ambition, it is easy to conceive that they might be hurried forward to imaginary conquests which their armies could never have achieved;

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if we consider them as corresponding with the disaffected part of our own nation, we know how readily every man persuades himself that his own party will prevail, how he exaggerates in his own mind its numbers, its wealth, and its unanimity, and confidently affirms to others what he has learned to believe himself.

From all these causes, co-operating at once, what degrees of infatuation may not be expected? What may not monarchs be capable of undertaking, who being infected with lust of dominion, imagine that their happiness will be encreased as their empire is extended; who think their ambition authorised by religion, and are assured by those whom it is the highest act of impiety to disbelieve, that they shall fight under the banner of Omnipotence? That heaven will assist those forces which are levied for the extirpation of heresy, and that they are appointed to put an end to the prevalence of schism?

When to these motives, Sir, it is added, that the attempt is in itself without danger, and that they are only to assist the greater part of the nation in butchering the less; is it to be imagined, that opportunities so favourable will not be improved? That any monarch will forbear to give an instance of his piety, when he may shew it by gratifying his ambition? Or that he will not engage in a design at once pleasing, easy and meritorious?

Perhaps these considerations, Sir, may induce the House to allow that his late majesty neither deceived the parliament by false representations, as has been insinuated by the hon. gentleman, nor was himself deceived; yet since it has been alleged that the confederacy of the Spaniards and Germans, if it was ever formed, was a confederacy of madmen; that their designs ought to have raised pity rather than fear, and to have been ridiculed rather than opposed, it may be proper before we dismiss this transaction to enquire what was really to be dreaded from them.

It is well known, Sir, that the favourers of the Pretender were at that time sufficiently numerous to disturb the nation, though not to enslave it; and that their discontent was such as might naturally have incited them to a rebellion, by which, though it would probably have ended in their defeat, our country might have been harrassed for a long time; and the hon. gentleman will scarcely affirm that a civil war is not a calamity to be very cautiously avoided, what party soever may be likely to prevail.

If it is not to be imagined that troops could have been landed on our coasts in such numbers as might have threatened conquest, they might at least have burnt our villages and destroyed the inhabitants; they might have ravaged our unfortified towns, laid whole counties desolate, and filled the nation with horror and confusion; and when our armies had at length destroyed them, the injury might be revenged indeed, but could not be repaired.

From such miseries, Sir, if we were preserved by a seasonable alliance with France, can the author of it be censured as an enemy of Great Britain? Can it be affirmed that invasions and civil wars are to be preferred to an alliance by which no claim was resigned, and in which mutual security was honourably stipulated upon equal terms?

If we consider, Sir, what has been urged against this treaty, we shall be able to recollect only violent invectives without proof, and noisy declamations without reason. We have been told that France is the irreconcilable enemy of Great Britain, that her resentments are never to be extinguished, and that her interests are invariably opposite. We are told that to enter into alliances with France is to destroy at once that plan of power, that our ancestors have exhausted their treasures to establish, and to sacrifice all the advantages of the last war.

These, Sir, are indeed pompous expressions by which the imagination may be warmed, but which have little efficacy to convince the reason; sounds which may raise commotions in a popular assembly, but cannot have much influence upon a parliament. That our ancestors have generally employed their strength and policy in opposition to France, cannot be denied; but if we think their example such as ought to influence our measures, we must imagine them to have acted upon rational motives, and are therefore only to resemble them in our conduct, as we resemble them in the circumstances of our affairs.

They opposed the French, because they had no other enemy to fear; and upon the same principle would have united with them against an enemy from whom they were both in danger; nor could they entail upon us any scheme of conduct, unless they could ascertain the course of events. To believe, that we are invariably to declare ourselves enemies to France, is to be deceived by idle sounds, and to follow prejudice instead of policy. It is our interest

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to oppose that nation with most vigour from whom we have most to fear; not to enquire whom our ancestors hated or dreaded, but who has at present the strongest inclination and the greatest power to injure us; to regulate our alliances according to the interests of foreign princes, to observe the rotations of power, and vary our politics as different exigencies may happen to require.

It might at least, Sir, be expected from those who have declaimed for so many years against the treaty of Hanover, that they should have shewn us what ill consequences have been produced by it; what part of our trade we have relinquished, or what pretensions we have resigned. It might not be unequitable to require, that they should prove this transaction to have brought upon us greater evils than those from which we were rescued; the horrors of an invasion, and the miseries of a civil war.

The charge, Sir, of deserting our ally is easily refuted, since that ally was not deserted till he had formed schemes for our destruction; that we contributed to aggrandise the house of Bourbon, though it has been echoed round the kingdom, has not been proved; since no man, however confident in his assertions, or vehement in his invectives, has undertaken to shew, that the treaty of Hanover either increased the wealth, extended the influence, or enlarged the dominions of France. She gained nothing by it but a neutrality, which, without any such previous stipulation, it had been our interest to observe; but which, perhaps, had not that alliance been concluded, would have appeared the effect of cowardice or weakness.

It was said indeed by the hon. gentleman, that the French have given us no assistance; but it does not appear that we wanted or required it, or that by the treaty of Hanover, we had a right to demand it. Our enemies were discouraged from an invasion by finding that they could no longer expect success.

Is it not, Sir, some advantage that an enemy who was elated to a degree of insolence, that incited him to form designs upon our country, to plan the subversion of our constitution, and doom us to irrecoverable slavery, was reduced to confine his resentment to petty ravages, and insults rather malicious than dangerous? That instead of spreading destruction over Britain, he was content to besiege a fortress [Gibraltar] with-held from him in his own territories.

Some have asserted in the heat of their animosity, when irritated by frequent defeats, and oppressed by arguments to which they were unwilling to yield, though they found themselves unable to confute them, that the rapine and insolence of the Spaniards have been always secretly encouraged by France: this, Sir, is an insinuation of which it does not appear to me, that the importance is proportioned to the malignant pleasure with which it is produced; for how can it affect the conduct of the ministry, whether it be true or false?

If the French, Sir, did in reality exasperate the Spaniards against us, at the time when they engaged with the utmost solemnity to assist us against them; if while they were exchanging ratifications, and redoubling protestations of friendship, they endeavoured to embarrass our government, and obstruct our commerce, what can be inferred from their conduct but their own perfidy? And by what law is a minister of Great Britain to be punished for those crimes in which he did not concur?

In political as in private transactions mutual trust is unavoidable; nor can any more be required from either party than to preserve his own faith, and watch that the other does not make use of an appearance of friendship to injure or betray him. No man ought to suffer but for his own wickedness or negligence, because no man can regulate the conscience of another.

But it is not necessary, Sir, to have recourse to the secret operation of remote agents for the explication of events, of which the immediate causes may be so easily assigned. The Spaniards, though they found their scheme of an invasion no longer practicable, had yet so much confidence in the accounts which they had received of the violence of our factions, and the ardour of our animosities, that they imagined us to be in a state that would not allow us to regard our honour or our commerce, and believed that they might without danger insult our flag and plunder our merchants.

That this opinion was the foundation of their conduct, and that they still retain it with a degree of bigotry peculiar to themselves, appears, Sir, from their Manifesto lately published. Our divisions are there mentioned with an appearance of triumph, which perhaps may be still heightened by an account of the present debate, and to which the opponents of the administration,

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whatever may have been their intentions, it must be confessed, have long contributed.

Against these depredations, Sir, frequent remonstrances were made, and promises of inquiry and reparation were constantly returned, with what degree of sincerity it was not possible for our ministers to determine. The distance of the Spanish territories made it easy for the governors to elude the orders of their master, or to deceive him with false representations, which could not always be confuted by our ministers before their attention was diverted by some new controversy. The delays in the Spanish forms of proceeding, well adapted to favour any fraudulent design, often made it impossible to procure proof of an unjust seizure, for the master of a vessel was perhaps dead, and his crew dispersed, before his cause was determined.

It might, indeed, be suspected that these ravages were not committed by the subjects of Spain without the connivance of their court; and that the orders sent to Spain would not have been so long eluded, had the officers believed that compliance would have been more likely to procure favour or promotion: but as their king not only disowned their proceedings, but promised that justice should be rigorously observed; and as war is always the last remedy which a wise government employs, it was thought more prudent to preserve our claims by frequent repetitions, and to wait for some opportunity of obtaining their confirmation, than to assert them by force, and load the nation with the expences of a war.

When the project was formed of establishing Don Carlos in Italy, we thought the opportunity obtained which we had so long desired, and therefore readily complied with the propositions which were made us for establishing a lasting peace with Spain. This, indeed, we did not submit to purchase at a high rate, for the transportation of Don Carlos, though it gratified the ambition of his mother, was no great sacrifice on our part. There was no enemy to encounter, no danger to fear; and the expence, which alone can be complained of, ought to be compared with that of a war which it was probable we might avoid by it.

Yet the ministry, Sir, by this step furnished their adversaries with a new theme for declamation; they have been charged with throwing weight into that scale of power which was too heavy before, with propagating the influence of the house of Bourbon through the whole continent of Europe, and with endangering our future commerce by investing them with the dominion of the Mediterranean.

But before these invectives are indulged, it ought to be proved that we granted some advantage which it was impolitic to grant, and which it was in our power to deny; that we could have hindered the Spaniards from the acquisition of that part of Italy, or have hindered them without more expence and danger, than our interest in the transaction could induce us to incur.

It ought to be examined, Sir, whether it was not more prudent to procure a reconciliation of long disputes, by assisting them in an enterprise which they could have executed by their own strength; and by appearing to favour designs which we could not effectually obstruct; than to exasperate hatred and inflame quarrels by needless opposition, and to harrass ourselves with a war of which it was impossible to foresee the success, or fix the duration.

It was said by the hon. gentleman, that our compliance had no other effect upon the Spaniards than to heighten their insolence, to harden their obstinacy, and to confirm their contempt; that therefore our money was lavished without recompence, and our alliance offered only to be slighted.

I confess, Sir, that neither the policy nor the gratitude of the Spaniards, could induce them to improve the advances which were made at Seville into a firm and lasting friendship; that their insolence had not been abated, or their pretensions remitted; and that their depredations after a very short suspence were renewed with equal rapacity and equal cruelty. Of this the parliament itself has complained in its Addresses to the king, nor does the cause of which I have undertaken the defence, require that any truth should be denied or disguised.

These ravages and cruelties, Sir, are facts of which no man will dispute the certainty or palliate the injustice; but it appears to me, that every impartial and candid enquirer will discover, that they cannot rationally be charged on the ministry: for how can it be imagined that they could willingly promote the disappointment of their own measures, or what interest can they be supposed to advance by increasing the discontent of the people? The conduct of the Spaniards must be therefore

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attributed only to themselves; nor can it be expected that we should undertake to reform their folly or their wickedness, or to teach them either politics or gratitude.

I cannot but observe, Sir, that in the charges made by the hon. gentlemen, the crimes of mankind are amassed together and thrown upon a single person, who is so unfortunate in his situation, that he is equally to be accused of the misconduct of his friends and of his enemies: of transactions by which his influence is apparently diminished, as well as those by which it may seem to be advanced: he is represented as the general dictator of guilt, nor is any man imagined to deviate from the right, but by his instigation or connivance.

Unhappy, surely, is the lot of that man, from whom an account is required of the conduct of those whom he has not power to direct; whom neither distance nor ignorance can secure from being an associate in every act of wickedness; and whose innocence can only be preserved by a reformation of the universe.

That the ministry, Sir, have been insensible of the sufferings of their country, that they have seen without concern the obstruction of our trade, and heard without compassion the complaints of our merchants; that they have sat at ease in the enjoyment of their salaries, while their fellow-subjects were languishing in distress; and insulted or neglected those calamities which their indolence, unskilfulness or cowardice had brought upon the nation, are insinuations which ought not to be credited, because they cannot be proved.

Their frequent remonstrances to the court of Spain afford sufficient evidence, that they did not forget their duty or neglect it; their assertion of our rights shews that they had no intention to resign them. And the charge of insensibility, negligence, and corruption, must be reduced at last only to this, that they thought success more likely to be obtained by negociation, which others expected only from violence and slaughter.

Had the Spaniards, Sir, been persuaded at length to attend to the remonstrances of justice, to restore what they could not retain without robbery, and admit what they cannot deny without the violation of the most solemn treaties; had the pacific acts of negociation terminated our disputes, procured security to our trade, opened the seas of the West-Indies, and established, upon equitable terms, that concord which is necessary to the happiness of both nations; would those allow themselves criminal who had so long sounded the trumpet of war, who had called out incessantly for reprisals and revenge, and who had exhausted their eloquence to inflame the resentment of the nation, and to incite the parliament to impatience and violence? Would they have admitted, that they might be deservedly censured as the enemies of their country, for endeavouring to precipitate us into an unnecessary war, and for promoting havock, bloodshed and confusion?

Would they not have urged that they had only given their opinion, with that liberty which is allowed in parliamentary debates, and with that sincerity which patriotism requires? That they were deceived by false appearances, or hurried on by a zeal too impatient of the injuries of the public? That they did not lay any claim to prescience or infallibility, and that involuntary errors could never be justly punished, because they could not be avoided? And would not this plea have satisfied the most rigorous enquirer, and pacified the warmest resentment?

Whoever, Sir, admits the validity of this excuse, which he that denies has no great regard to his own honour or safety, must allow, that it may be now urged, with equal justice, in vindication of the ministry. If they have been mistaken in their choice of measures, they have been betrayed into error only by their caution; nor did their delays proceed from any other cause, than the fear of increasing the expences of the public, and hazarding the quiet of Europe by precipitate resolutions.

I shall not insist at this time on the probability that contrary measures, if they had been pursued by the ministry, would have been opposed with equal vehemence, and their absurdity aggravated with the same violence of declamation: that the ministry would have been represented as men hardened against all the impulses of humanity; who looked with satisfaction on slaughter, devastations and cruelty; who were delighted with embroiling the world, and employing one nation in the destruction of another; who had involved their country in foreign wars only to divert the attention of the public from their own miscarriages and corruption; and who would prolong it without end, as it might give them opportunities of gratifying their friends and exposing their adversaries.

That such would have been the outcries of the opposition, if more violent mea-

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sures had been pursued, I do not affirm, Sir, whatever I may believe. I do not affirm it, because I think that every assertion ought to be supported by evidence, and that positions and conjectures are to be carefully distinguished. I will, however, declare with great confidence, that this accusation had been more just and more plausible; and that the vulgar, upon whom the influence of sounds is well known by experience to the opponents of the ministry, would have been more easily inflamed by artful representations of the horrors of a destructive war, than of the shame of a dishonourable peace. I cannot, therefore, but once more suspect, that they whose constant hope of success has arisen from a practice of appealing from the parliament to the rabble, could not have suffered so commodious a topic to escape them; but would have exhibited the ministry to public views as bloodthirsty monsters, who were daily sacrificing the lives of thousands to their caprices; and because they had no tenderness for their fellow-subjects, preferred war to peace; who contemplated with pleasure those dangers in which they never involved themselves, and feasted their imagination with slaughters which heightened the pleasure of their own security.

But that there are indeed insults which must be resented, and evils to which war itself is to be preferred, cannot be denied; and such at length has the parliament declared the insolence and rapacity of the Spaniards, against whom, therefore, war has been proclaimed, and prosecuted in such a manner as was most likely to attain the end for which war ought always to be made; the redress of wrongs and re-establishment of peace.

But the ministry, Sir, have been no less unfortunate in their conduct of the war than in their methods of negociation; for their opponents appear resolved to be equally dissatisfied on every occasion, and to discover treachery, cowardice, or corruption, whatever measures are pursued.

The war has, indeed, had already one effect that they may, without want of candour, be suspected of desiring. It has furnished them with numerous topics of accusation which they could not have obtained in time of peace. It has given them an opportunity of diversifying their invectives, and enlivening their harangues; and enabled them to substitute new calumnies in the place of those which, though no longer credited, they had been hitherto forced to repeat. The Excise, which had with unwearied eloquence been for many years echoed from one side of this House to the other; the dangers of a Standing Army, which had been exaggerated with all the zeal of ardent patriotism; and even the Convention, which, though a later subject, had been discussed till it was no longer a terror but a vexation to mankind, gave way to more splendid themes! Themes on which the imagination might expatiate without labour, and eloquence wanton without the aid of invention: they harangued now on the bravery of our sailors, the strength of our nation, the triumphs of our ancestors, and the weakness of Spain.

But, when they had amused themselves with the display of our power, and gratified their love of their country by a recollection of her ancient glory, they always concluded with a pathetical lamentation of our present miseries; they complained that our force was restrained by the corruption of our governors; that the courage of our sailors was of no other use than to heighten their impatience of the ignominious inactivity to which they were condemned; that our ancient honours were tamely suffered to be torn from us; that we were no longer courted, reverenced, or feared; that the Spaniards, however weak, however contemptible, were yet successful in the war; and that we perceived no other effect of our armaments than expence and disappointments.

When they were asked, from what causes these complaints proceeded, what dominions had been taken from us, or what battles we had lost, it was answered, that not to have conquered in such a war was to be overcome; that it was expected by the people of this nation, that a single fleet should have reduced Spain to submission, and that one effort of the British force might put us in possession of the mines of the West-Indies.

Such expectations, indeed, it is common for the people to form at the commencement of a war; and it has not been unusual for governors to promote them, though perhaps without sufficient regard to justice or to prudence; neither of which could ever countenance the propagation of falshood. For, if the people are persuaded to think too highly of their own strength, what can be expected but that they will demand success proportioned to their imaginary force? And that the blame of every defeat will fall upon the government?

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Such expectations, Sir, were therefore never raised by the ministry, because they knew that they could only be gratified by chance, in which no wise man will put any confidence: but they were eagerly excited by the boasters of patriotism, who knew that success would be received as a confirmation of their predictions, and would establish the reputation of their sagacity: but that any defeat would be imputed to the ministry, and blow up the flames of public hatred; and that in the mean time they gained every day the favour of the populace, to whom nothing is more grateful than exaggerated representations of their own strength.

They therefore called out incessantly for a vigorous prosecution of the war; they required that insolence should no longer be borne without resentment, nor ravages without reprisals; they demanded that fleets should be equipped, that commerce should be protected, and Spain humbled.

Ships were accordingly put into commission, new vessels were built, the workmen in the docks were enjoined double labour, naval stores were purchased, and contracts for provisions made every day; but our fleets completely rigged remained in our harbours for want of men, and our enemies roved at large over the ocean, while we were soliciting our sailors to engage in the service of the public.

For removing this obstacle, Sir, at which the opponents of the ministry were for the greatest part content to clamour; without any endeavour or perhaps any desire to surmount it, because they found specious reasons for imputing it to the administration, many schemes were offered: but they were almost always opposed with the utmost obstinacy, by men who had wearied the parliament with the justice and necessity of the war, with the diminution of our trade, and the importance of an uninterrrupted navigation.

When one project was disapproved, another was proposed; and nothing was left unattempted that might contribute to that success which all appeared to wish, though only the ministry endeavoured to procure it. But to every proposal that could be formed, to every method that invention or experience could suggest, so many inconveniencies were objected by the zealous guardians of the liberties of the people, that much time was wasted, and losses suffered by the merchants.

But that sagacity, Sir, which always enabled them to improve every accident to their own advantage, suggested to them that they might now accuse the ministers of delaying the preparations for war, detaining the ships which were to guard the coasts, and exposing the merchants by negligence or design to the rapacity of the Spanish privateers.

At length, Sir, our fleets in the West Indies began hostilities; the Spaniards were confined to their ports; their colonies were kept in continual terror; and one of their most important settlements was laid in ruins. Who would not now have thought that the ministry had given sufficient proofs of their sincerity in the prosecution of the war, and that there could be no longer any pretence for complaints? But even this advantage served only to shew, how a vigilant and sagacious patriot can improve every occurrence to the propagation of his tenets and the support of his cause. The ministry, Sir, were on this occasion once more loaded with calumnies; they were now accused as secretly chagrined at the public felicity, and incensed against that commander by whom the honour of our nation was retrieved, and the insolence of our enemies repressed.

How the ministers gave occasion to so atrocious a charge, it may not be improper to declare. When those who had for many years affected a particular degree of solicitude for the public welfare, and who had been distinguished by their zeal for a war with Spain, heard the first rumour of that success which they had so confidently predicted; it was their employment once more to engage the populace by entertaining them with the delightful narrative, uniting in their acclamations and partaking of their triumph.

For this purpose, Sir, they did not fail to exaggerate the enterprise, and magnify the advantages that were to be expected from it; and so wanton was their imagination, that it formed no ideas but of the conquest of the West Indies, and the utter destruction of the Spanish dominions.

The friends of the government, though pleased with the success of the expedition in proportion to its importance, discovered no such raptures of exultation: They rejoiced indeed, but with that moderation which accompanies true greatness of mind; they praised the bravery and prudence of Vernon, but without exalting him above all his predecessors; they thought that to give way to an excess of praise or joy upon any slight advantage, had a tendency

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to lessen the reputation of our arms, as it might be inferred by foreigners that our exultation was produced only by our fear.

Whatever, Sir, were the motives of their conduct, it may be imagined that in a nation where freedom is so lavishly boasted, every man might plead an exemption from the necessity of joining his voice to shouts of which he did not know the reason, or which he thought too loud for the occasion which produced them; and that no man would accuse him of disaffection to his country, because he did not evaporate in useless congratulations, and wild effusions of jollity.

But as men resolved to censure can never want a fund of accusation, no sooner were the ministers stigmatized as enemies to Vernon, than they were discovered to have formed a plot for his destruction in concert with the Spaniards and French; whose fleets had found an opportunity of uniting, while our admiral was cruising on another part of the coast, and guarding a fortress of which the importance has been formerly one of the popular subjects of declamation. They, indeed, sailed immediately to the West Indies, before there was any opportunity of interrupting their course; but how little they performed, and how shamefully they returned is well known. If it be true, that they sailed with the consent of our ministers, as insinuated by the hon. gentleman, it must be allowed, that they were trepanned by them into useless expences and unprofitable fatigues; and that they have at length reason to complain of that friend, by whom they are said to have been so long favoured and assisted.

But what defence can be made of the conduct of the minister, when it is urged that the French are now, in opposition to all the faith of treaties, busy in the reparation of the port of Dunkirk; and that they are establishing an asylum for privateers, and preparing to dispute the command of the channel? What, but that by confessing that they act in contradiction to treaties, it is granted that the ministry is to be acquitted; for let me once more remind those who may be inclined to patronise the motion, that no man is to be punished for the dishonesty of another.

Such, Sir, is the charge against the administration of foreign affairs, and with so little difficulty is that charge refuted. Whether the conduct of domestic transactions will not admit of a vindication yet more clear and easy, remains now to be examined.

As it is never grateful to my disposition, to think or speak with contempt of any man, I am not without some doubt whether I should not pass over the Excise in silence; for who can restrain his imagination from some sallies of satirical merriment, when he sees men resolved to accuse without any subject of accusation; and finds malice reduced to the necessity of gratifying itself with dreams of imaginary hardships and mere possibilities of guilt.

Let us state the question so far as it relates to the Excise with coolness and impartiality. About eight years ago the right hon. gentleman was *said* to have formed a Scheme which was proved to be advantageous to the revenue, and *said* to be detrimental to the people. This Scheme* was laid before this House, and approved by the greater number, but was thrown aside by him to gratify the people; and it is now moved that the supposed author of this Scheme should be for ever excluded from his majesty's counsels.

Such, Sir, is the crime, and such is the punishment. A person distinguished for his abilities and famous for his ardour for liberty, long honoured with the favour of his sovereign, and long intrusted with the most important employments, is to be branded with infamy and deprived of trust; for having been supposed to form measures which were suspected of a pernicious tendency, and from which that suspicion induced him to desist!

Had the Scheme been really pernicious, and really reduced to practice, it might have been imagined that the approbation of the parliament would have exempted him from prosecution; but this approbation, it seems, is now no longer to be pleaded, because the parliament is no longer the representative of the people; this House is only a herd of slaves hired to drudge for their master, and to give up to his disposal the rights, the properties, and lives of their fellow-subjects.

That this charge, Sir, is known by the greater part of this House to be false may easily be conceived; but it will appear an assertion somewhat daring to declare that it is known to be false by those that produce it; and yet why else do they produce it, much more why do they produce it here? Can they expect that any man should concur in his own ruin; that a House of which the majority vote for pay, will detect or punish that corruption by

* See Vol. 9, p. 1.

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which they are influenced; or that any man who has received a bribe will inform against the hand that gave it?

When they apply to this House for the detection or punishment of bribery, they must believe that the greatest number is not influenced by money; and yet if that be their opinion, they must retract their charge.

It has been urged in justification of the motion, that whether miscarriages in public affairs arise from error or from design, they equally prove the necessity of removing him, by whom they were transacted, from places of trust; because the public may be equally injured by incapacity or treachery. Will it not in the same manner appear, that those who have produced this charge ought to be excluded from the management of public affairs, whether it be true or false; since if it be true, their conduct can be the effect only of madness, and if it be false, of wickedness.

But whatever be at length determined with regard to the facts which have been so often examined, whether the treaty of Hanover was beneficial or detrimental to the nation, whether the Spaniards have been opposed or supported in their insolence, whether the French have incited or restrained them, whether the Excise was a scheme of oppression, or a rational method of preventing abuses, and whether the parliament be corrupt or honest, how can the propriety of the motion be evinced? Why is it directed against this person? And why are not others included in the same censure?

The only reason of this motion which can be openly avowed, must be the desire of punishing the author of the public miseries, and deterring others from the same crimes by an example of justice and severity. But it has in all former times been thought necessary to prove guilt before it is punished, nor was it ever proposed before this day that the sentence should precede the trial.

In the present case, Sir, it is asserted that the nation is reduced to ignominy and distress; that it is oppressed by an unnecessary army, and loaded with taxes, of which it does not appear how they can be employed but to corrupt the parliament; and it is demanded therefore, not that the enquiries should be made into the state of the public, not that the army should be disbanded, or that our taxes should be reduced, but 'That sir Robert Walpole be 'removed from his majesty's presence and 'counsels.'

Such a proposal could be dictated only by the rage of disappointed opposition, which has at length collected all its force, and exerted all its malice in one desperate effort; and which is now too much irritated to observe any longer the rules of decency, or to pretend any longer a zeal for public happiness, an ardour for liberty, or tenderness for the people.

Had this motion, Sir, been produced by laudable designs, it would have been recommended otherwise than by vehement invectives and general assertions; for as the end is, such generally are the means: and it is not easily that a wise man is persuaded of the justice of that intention, which he sees promoted either by violence or fallacy.

The fallacy of the argument used on this occasion is too gross not to be discovered, and too contemptible not to be derided, were not the end proposed by it so atrocious as not to admit of the prevalence of any passion but horror and detestation. The fallacy, Sir, consists in supposing, what is principally to be proved, that the right hon. person on whom the censure is to fall, has been for 20 years not only the chief but the sole director of all foreign and domestic affairs; that he has at once levied armies and raised taxes, enacted laws and ratified treaties, and governed at the same time the council and the parliament.

If, Sir, the right hon. gentleman has not been the chief adviser and director of all national affairs, the motion must be without the least degree of justice or propriety; because it will tend to fix an unjust censure, and to punish one man with perpetual infamy for the crimes of another. It will tend to harden the principal agent, whoever he may be, in the continuance of his wicked practices; since he will suppose the public vengeance already satisfied, and will find that he is safe from punishment, by being free from suspicion.

If the right hon. gentleman be not the sole author of these fatal measures, it is evident that the motion has arisen not from public spirit, not from a virtuous detestation of corrupt conduct, not from a desire of reforming abuses, and restoring to the British name its ancient dignity; but from narrow views, and selfish designs, from sordid interest, or virulent malevolence. For why is one man singled out for vengeance among so many associates in the same crimes? Why is not the punishment proportioned to the guilt? and

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why is public justice defrauded or obstructed?

Of such procedure, Sir, no other account can be given, than that one man is more feared or hated than the rest; nor can this fear or detestation be imputed to any other cause than the number of his friends, or the superiority of his abilities; for since his wickedness appears not more enormous than that of others, he must be distinguished from the crowd by some other qualities.

Happy would the British nation be, if this ardour of prosecution proceeded from any other cause; if the persons, who have so long declared themselves enemies to the right hon. gentleman, were not incited against him only by his importance to the state, by the vigour of his understanding, and the extent of his knowledge; that understanding which has enabled him to discover and disconcert all the schemes, by which they have hitherto endeavoured to rise upon his ruin; and that knowledge which has been so successfully employed, in defending the measures of the government, and demonstrating the true interest of the people.

They have long discovered, or imagined themselves to have discovered, that they are hindered from succeeding in their designs only by his industry, influence, and capacity; and have therefore determined at any rate to procure his removal. What their real designs are I shall not pretend to inform the House; but if we take a view of the different persons who have concurred in the opposition, and reflect upon the contrariety of their principles, habits, and conduct, it will not easily be supposed that they can be cemented either by affection to the present government, or by any uniform principle except that of interest; nor can it be conceived that they propose any other changes, than such as may increase their own fortunes, by investing them with the chief posts of profit and of trust.

Such suspicions, Sir, which must naturally arise upon the first view of this chaos of opposition reduced to order and to form, has been every day confirmed by the effects which have arisen from its coalition; by an incessant obstruction of the justest measures, by a restless turbulence of discontent, which has always animated their harangues, by a contempt of order and government, and at length by this public desertion of equity and reason.

The motion I cannot but consider as the utmost effort of malice, the expiring struggle of faction, wearied and exhausted with fruitless endeavours to disturb the happiness and corrupt the loyalty of the people: and though there is a degree of wickedness of which it is scarce reasonable to hope for a reformation, yet I cannot but flatter myself that these gentlemen, after having seen their last expedient baffled, and their most vigorous assaults borne with patience, and repulsed with ease, will at length desist for their own sakes from opposing what they cannot prevent, and from encountering those by whom they are certain to be overcome.

I cannot but hope, Sir, that they may be prevailed on by the consideration of their own ease, to concur with the measures of the government; and that by a short experience of the satisfaction of virtue, and the peace of loyalty, they may be induced to persevere with sincerity in that conduct, in which they were at first engaged only by weariness, vexation or despair.

This at least I will promise them, that they will more probably attain, by such a change of their schemes, those advantages which they are suspected of pursuing, with as much ardour at least as the interest of their country; and that no remembrance of past injuries will incite the gentleman against whom their malice is this day directed, to employ his authority or abilities against them; since I am convinced that he has hitherto rather pitied than hated them, and that he will be immediately reconciled to them upon their return to their duty.

This, Sir, I can boldly promise upon long acquaintance with him, and frequent experience of his tenderness, equity, moderation and candour: qualities of which I am not, on this occasion, either ashamed or afraid to declare, that they have endeared him to me; and which if his enemies had possessed in the same degree, this motion had never been offered.

But whatever influence personal motives may have upon others, I find reasons of a very different kind, which have determined my opinion on this question: reasons which arise only from regard to liberty, to justice, and to truth. The measures which have been mentioned, as proper grounds for the severest censure, are such as I have hitherto approved; and I find not any new arguments offered, by which I might be induced to condemn what I formerly defended.

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I find, Sir, the supposed guilt of all these supposed miscarriages accumulated upon one man, without the least endeavour to prove that he was more criminal, with regard to some, than any other member of the council; or with respect to others, than any member of parliament by whom they were approved.

I easily foresee, that if this motion be admitted, the justice of parliamentary censures, and by consequence their authority and efficacy is at an end; since it will at any time be in the power of a majority, inflamed by faction or resentment, to punish those whom no evidence is produced to convict; and therefore, I declare, that I shall vote against this motion, and any other of the same kind.

Mr. *Pitt*:*

Sir; as it has been observed that those, who have formerly approved the measures of the gentleman into whose conduct we are now enquiring, cannot be expected to disavow their former decisions, unless new arguments are produced of greater force than those which have formerly been offered; so the same steadiness must be excused in those who have opposed them, unless they can now hear them better defended.

It is an established maxim, Sir, that as time is the test of opinions, falshood grows every day weaker, and truth gains upon mankind. This is more eminently just in political assertions, which often respect future events, and the remote consequences of transactions; and therefore never fail to be, by time, incontestably verified or undeniably confuted. On many occasions it is impossible to determine the expediency of measures, otherwise than by conjecture; because almost every step that can be taken may have a tendency to a good as well as to a bad end: and as he that proposes, and those that promote it may conceal their intentions, till they are ripened into execution, time only can discover the motives of their demands, and the principles of their conduct.

For this reason, Sir, it may easily be expected that bad measures will be condemned by men of integrity when their consequences are fully discovered; though when they were proposed, they might by plausible declarations and specious appearances, obtain their approbation or applause. Those, whose purity of intention and simplicity of morals, exposed them to credulity and implicit confidence, must resent the arts by which they were deluded into a concurrence with projects detrimental to their country: but of which the consequences were artfully concealed from them, or the real intention steadily denied.

With regard to such gentlemen whose neglect of political studies had not qualified them to judge of the questions when they were first debated; and who, in giving their suffrages, were not so much directed by their own conviction, as by the authority of men whose experience and knowledge they knew to be great, and whose integrity they had hitherto found no reason to distrust, it may be naturally expected that, when they see those measures which were recommended as necessary to peace and happiness, productive only of confusion, oppression, and distress, they should acknowledge their error and forsake their guides, whom they must now discover to have been either ignorant or treacherous: and by an open recantation of their former decisions, endeavour to repair the calamities, which they have contributed to bring upon their country.

The extent and complication of political questions is such, that no man can justly be ashamed of having been sometimes mistaken in his determinations; and the propensity of the human mind to confidence and friendship is so great, that every man, however cautious, however sagacious, or however experienced, is exposed sometimes to the artifices of interest, and the delusions of hypocrisy; but it is the duty, and ought to be the honour, of every man to own his mistake, whenever he discovers it, and to warn others against those frauds which have been too successfully practised upon himself.

I am therefore, Sir, inclined to hope that every man will not be equally pre-determined in the present debate, and that as I shall be ready to declare my approbation of integrity and wisdom, though they should be found where I have long sus-

* "Pitt observed, in his emphatic language, 'That during the administration that was the object of censure, at home debts were increased and taxes multiplied, and the sinking fund alienated; abroad the system of Europe was totally subverted, and at this awful moment, when the greatest scene was opening to Europe that had ever before occurred, he who had lost the confidence of all mankind should not be permitted to continue at the head of the king's government.'"—Heads of Pitt's Speech, in Sir Robert Walpole's Parliamentary Memorandums. See Coxe's Memoirs of Sir R. Walpole.

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pected ignorance and corruption; so others will with equal justice censure wickedness and error, though they should be detected in that person, whom they have long been taught to reverence as the oracle of knowledge, and the pattern of virtue.

In political debates time always produces new lights; time can in these enquiries never be neutral, but must always acquit or condemn. Time, indeed, may not always produce new arguments against bad conduct, because all its consequences might be originally foreseen and exposed; but it must always confirm them, and ripen conjectures into certainty. Though it should therefore be truly asserted, that nothing is urged in this debate which was not before mentioned and rejected, it will not prove that because the arguments are the same, they ought to produce the same effect; because what was then only foretold, has now been seen and felt, and what was then but believed is now known.

But if time has produced no vindication of those measures, which were once suspected of imprudence or of treachery; it must be at length acknowledged that those suspicions were just, and that what ought then to have been rejected ought now to be punished.

This, Sir, is for the most part the state of the present question. Those measures which were once defended by sophistical reasonings, or palliated by warm declarations of sincerity and disinterested zeal for the public happiness, are found to be such as they were represented by those who opposed them. It is now discovered, that the treaty of Hanover was calculated only for the advancement of the house of Bourbon; that our armies are kept up only to multiply dependence, and to awe the nation from the exertion of its rights; that Spain has been courted only to the ruin of our trade; and that the Convention was little more than an artifice, to amuse the people with an idle appearance of a reconciliation, which our enemies never intended.

Of the stipulation which produced the memorable Treaty of Hanover, the improbability was often urged; but the absolute falshood could not be proved but by the declaration of one of the parties. This declaration was at length produced by time, which was never favourable to the measures of our minister; for the emperor of Germany asserted with the utmost solemnity that no such article was ever proposed, and that his engagements with Spain had no tendency to produce any change in the government of this kingdom.*

Thus it is evident, Sir, that all the terrors, which the apprehension of this alliance produced, were merely the operations of fraud upon cowardice; and that they were only raised by the artful French, to disunite us from the only power, with which it is our interest to cultivate an inseparable friendship. This disunion therefore may justly be charged upon the minister, who has weakened the interest of this country, and endangered the liberties of Europe.

If it be asked, Sir, how he could have discovered the falshood of the report, before it was confuted by the late emperor? It may be easily answered, that he might have discovered it by the same tokens which betrayed it to his opponents, the impossibility of putting it in execution. For it must be confessed, that his French informers, well acquainted with his disposition to panic fears, had used no caution in the contrivance of their imposture, nor seem to have had any other view, than to add one terror to another, to sink his reason with alarms, and to overbear him with astonishment. When they found that he began to be disordered at the danger of our trade, from enemies without naval forces; they easily discovered, that to make him the slave of France, nothing more was necessary than to add, that these bloody confederates had projected an invasion, that they intended to add slavery to poverty, and to place the Pretender upon the throne.

To be alarmed, Sir, into vigilance, had been not unworthy of the firmest and most sagacious minister; but to be frighted by such reports into measures, which even an invasion could scarcely have justified, was at least a proof of a capacity not formed by nature for the administration of government; and which it is therefore the intent of this motion to reduce to its proper sphere, and to level with the rest of the community.

If it be enquired what advantage was granted by this treaty to the French, and to what inconveniences it has subjected this nation? An answer may very justly be refused, till the minister or his apologists shall explain his conduct in the last war with Spain; and inform us why the

* See the Memorial of M. de Palm, the Imperial resident, to this purpose, vol. 8, p. 555.

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Plate fleet was spared, our ships sacrificed to the worms, and our admiral and his sailors poisoned in an unhealthy climate? Why the Spaniards in full security laughed at our armaments, and triumphed in our calamities?

The lives of Hosier and his forces, which were squandered by compliance with France, are now justly to be demanded from this man; he is now to be charged with the murder of those unhappy men, whom he exposed to misery and contagion, to pacify, on one hand, the Britons who called out for war, and to gratify, on the other, the French who insisted that the Spanish treasures should not be seized.

The minister who neglects any just opportunity of promoting the power, or encreasing the wealth of his country, is to be considered as an enemy to his fellow-subjects; but what censure is to be passed upon him who betrays that army to a defeat, by which victory might be obtained; impoverishes the nation, whose affairs he is entrusted to transact, by those expeditions which might enrich it; who levies armies only to be exposed to pestilence, and compels them to perish in sight of their enemies without molesting them?

It cannot, surely, be denied that such conduct may justly produce a censure, more severe than that which is intended by this motion; and that he who has doomed thousands to the grave, who has co-operated with foreign powers against his country, who has protected its enemies and dishonoured its arms, should be deprived not only of his honours but of his life; that he should be at least stripped of those riches which he has amassed during a long series of prosperous wickedness; and not barely be hindered from making new acquisitions, and encreasing his wealth by multiplying his crimes.

But no such penalties, Sir, are now required; those, who have long stood up in opposition to him, give a proof by this motion, that they were not incited by personal malice; since they are not provoked to propose any arbitrary censure, nor have recommended, what might be authorised by his own practice, an act of attainder, or a bill of pains and penalties. They desire nothing farther than that the security of the nation may be restored, and the discontent of the people pacified, by his removal from that trust which he has so long abused.

The discontent of the people is in itself a reason for agreeing to this motion, which no rhetorical vindicator of his conduct will be able to counterbalance; for since it is necessary to the prosperity of the government, that the people should believe their interest favoured, and their liberties protected; since to imagine themselves neglected, and to be neglected, in reality must produce in them the same suspicions and the same distrust, it is the duty of every faithful subject whom his station qualifies to offer advice to his sovereign, to persuade him for the preservation of his own honour and the affection of his subjects, to remove from his counsels that man whom they have long considered as the author of pernicious measures, and a favourer of arbitrary power.

Mr. *Howe*:

Sir; whatever opinion I may have formed, by long observation and experience, of the moderation of the party by which this motion is supported, I could not have prevailed upon myself to expect that they would have mentioned it as a proof of their lenity and forbearance; or that while they were endeavouring to punish without the least evidence of a crime, they would have added insults to their cruelty, and have ridiculed him, whom they were persecuting, with panegyrics on their own mercy.

That they are now endeavouring, that punishment may precede conviction, is evident, since they have not proved that any of the measures, which they have been pleased to represent as pernicious and dishonourable, were advised by the person against whom they direct their malice; nor do they appear solicitous to discover the criminal, so they may be permitted to destroy an adversary.

For this purpose, Sir, they have for many years loaded him with accusations, and represented him as the author of those miseries, which were entailed upon the nation in the last reign, by a long war and a dishonourable peace; they have charged him with exalting, by the treaty of Hanover, that house which owes the continuance of its power to the peace of Utrecht; and have taught the nation to believe that those debts, which it has been his constant endeavour to alleviate, were encreased by his profusion or continued by his artifices.

Having, by a continual series of subtle calumnies, alienated the people from the government, and filled the nation with distrust, suspicion, and resentment; hav-

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ing exalted the rights of the subject, till every borough imagines itself intitled to dictate to the parliament; and so long imputed every calamity to the ministry, that they are now charged with every inconvenience that is felt or imagined to be felt by the nation, whatever cause may produce it; they at last throw aside their disguise, and discover for what end they have so long flattered the passions and corrupted the opinions of the people, by declaring that the discontent which they have raised, is a sufficient reason for this motion; and that the man whom they have so long accused ought to be doomed to infamy and obscurity, because he is at last suspected by those, who have no opportunity of knowing his character, or of examining his conduct.

The business, Sir, of the parliament is to hold the balance between the court and the people, and to preserve at once the dignity of the crown, and the rights of the nation; nor are we to suffer the servants of the king to be torn from him by popular fury, any more than the liberties of the people to be sacrificed to the ambition of a minister.

That the people are generally discontented, may perhaps be true; but what is more common than popular complaints without cause, or for evils, which could not have been prevented. That they are enraged against this gentleman, though it has not been proved, I shall not at present deny; because it is necessary that before their resentment is gratified, it should be proved to be just, and till such proof is produced, I shall oppose the motion.

Mr. *Heathcote*:

Sir; can it then be asked in this House, why the people are exasperated against this person, and whether they have had any provocations to resentment? Can proof be required of the ardour, with which the whole nation wishes for his discharge? And can it be doubted, whether his continuance in power is inconsistent with the security and happiness of the kingdom, the preservation of peace, and the promotion of loyalty?

To conceal in judicial enquiries, what is known to those who profess to declare their sentiments, is at least not to speak the whole truth, and may be censured as a proof of partiality: to affect ignorance of public facts, in hopes that their opponents may happen to forget them, is not more disingenuous than contemptible, when they are so recent, that they cannot but be remembered, or so atrocious that they cannot be forgiven.

To little purpose, Sir, therefore, has the gentleman, who has so zealously attempted, with whatever intention, to secure the favour of the minister, appeared ignorant of the open declarations of the people in all parts of the kingdom, when the execrable scheme of excise was lately defeated: a time which the enemies of liberty do not willingly recollect, but which will always be celebrated as the æra of our rescue from slavery, by those who know the importance of commerce, or the blessings of freedom.

At that time this worthy minister, this amiable benefactor of mankind, was stigmatized with the highest degree of infamy which the people could express; he was dragged along the streets in effigy through the shouts of innumerable crowds, with the universal triumph of all ranks and orders of men, and was thrown into the fires kindled in every town to celebrate the deliverance.

If therefore, Sir, it be granted, that the general hatred of the people is sufficient to justify an address for the removal of a minister, this motion can admit of no longer debate; for he who doubts whether this person be generally detested; he who does not know that his name is never mentioned, but by his vassals, without execrations; that his counsels are considered by every honest man as the causes of our misery and all our disgrace; and that the time of his degradation or destruction would be added to those festival days on which the overthrow of arbitrary and republican schemes are annually commemorated, must live in utter ignorance of the state of his country; and must have past his days without inquiry, and without observation, either clouded by the obscurity of a village, or dazzled by the glitter of a court.

For my part, it has cost me no laborious searches to know what is daily to be heard in every place of public resort; that he is looked upon as a general enemy, whom it is every man's duty to pursue, and interest to destroy. And since it cannot be expected that his majesty should long retain the affections of his people, while a man like this is believed to enjoy his confidence and influence his counsels, I think it impossible to give a more important proof of my loyalty, than by agreeing to the present motion.

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Mr. *Henry Pelham*:

Sir; it is not without uncommon astonishment, that I hear the motion now under our consideration defended and applauded by gentlemen, whose zeal for equity and regard to the laws of their country, I never had before any reason to suspect, however I might differ from them in my opinion of the public measures, or in my affection or esteem for particular persons.

It is well known that one of the principal advantages of our constitution, that happy constitution that is so much reverenced and praised, and of which the least violation has been represented as an enormous and inexpiable crime, consists in the established methods of proceeding in criminal trials, by which every man is secured from being overborn by violence and clamour, or sacrificed to resentment or suspicion, by which the criminal is intitled to hear the testimonies which are produced against him, and expose any falshood by unexpected interrogatories, and by which he may claim to be held innocent upon his own assertion till his guilt shall appear from sufficient evidence.

Nothing is more certain, Sir, than that this practice, which the wisdom of our remotest ancestors established, and which the care and vigilance of our intermediate progenitors has been principally employed in preserving and confirming, has been the strongest bulwark of our other privileges, and the barrier which has a thousand times hindered the prerogative from breaking in with a torrent of violence upon our properties, and sinking us in servitude and misery for ever. Yet is this bulwark now to be thrown down and this barrier to be irreparably broken, that way may be made for vengeance to rush upon one man, to whom no greater crimes is imputed than that he has exalted the regal power, and propagated the influence of the court.

I have been too long acquainted with mankind, and have had too much experience both of my own weakness and that of others, to think that hypocrisy may be always with justice imputed to those whose conduct is inconsistent with their declarations. I know that the wisest men do not always make choice of means adapted to their end, and that they often disappoint their own designs by those measures, which they think most necessary for their accomplishment, I do not therefore assert, nor indeed do I suspect, that those who have offered and defended this motion, are in reality enemies to liberty; but can affirm with confidence, that their zeal has blinded their prudence, and that the methods by which they propose to secure our constitution, can have no tendency but to weaken and destroy it.

It has often been urged in this House against measures not improper at the time in which they were proposed, that they would establish a precedent which might hereafter be made use of for the introduction of the same practices without the same necessity, and it has been long received as a maxim among the wisest and most considerate men of all parties, that it is more eligible to neglect the acquisition of a present advantage, or the removal of a temporary inconvenience, than to give the enemies of our liberties any opportunity of employing our own determinations against us, and oppressing us by methods which we ourselves invented or approved.

This caution, if we think it reasonable and just, if we acknowledge ourselves indebted to it for the enjoyment of property, and the felicity of independence, we ought surely to imitate, and nothing is more evident than that we cannot without departing from it admit this motion: for if this new method of prosecution be established, it will not be possible for any man to execute a public office with tranquillity or safety, since innocence and guilt will be equally in danger.

The only advantage which innocence can have over corruption, consists not in exemption from suspicion, which is often raised by envy and propagated by ignorance, and to which therefore, men eminent for their virtue are perhaps most exposed. The advantage of innocence arises from security that this suspicion can never ripen into conviction, that it can never be confirmed by evidence, and therefore must at last languish into nothing, that it is only an *Ignis Fatuus*, which may lead those who follow it into danger, but has in itself no power to consume or injure. The innocent man proceeds in his measures with steadiness and intrepidity, because he knows that he shall at last baffle those enemies which are only exasperated by his success: since the utmost effort of their malice can only call him to a trial, and a trial can have no other effect than to justify his conduct and exalt his reputation.

But who does not see that the proposal now before us, must for ever deprive integrity of the only confidence that can

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support it against the opposition of wickedness and the censure of folly? Who does not discover that suspicion is now substituted in the place of evidence, and that punishment is to be inflicted without a trial? Who does not see that innocence is levelled with guilt, and that no man can hereafter be safe but by complying with the passions of the people, and gratifying the majority, at whatever hazard of the public, or with whatever disapprobation of his own conscience?

In considering this motion, I therefore lay aside all regard to the character of the right hon. person, to whom it immediately relates, nor do I think it necessary to declare that opinion which long observation of his conduct has enabled me to form. The question is not, Whether he is an upright or corrupt minister; because it does not judicially appear that he is engaged in the transaction of affairs. It is now to be debated, whether to be suspected and to be criminal shall be henceforward equally dangerous; whether we are to judge in consequence of allegations and proofs, or of outcries and declamations, and whether it be not necessary that every innocent man should have, in a country that boasts of freedom, the means of refuting accusation?

Of a prosecution which bears any resemblance to that which is now attempted, very few precedents have been furnished by whole centuries of contests and disturbances: the utmost rage of faction has generally endeavoured to preserve at least the appearance of equity and the forms of law, and the most ardent eagerness of pursuit has hitherto shrunk back from precipices like this.

The case with which the motion, if it should succeed, will be generally mentioned by our posterity, is that of lord Clarendon in the reign of Charles 2, which the presence of a right hon. member, one of his descendants, recalls to my memory. The arts by which this great minister was exposed to the hatred of the people, the subtle malice with which his most innocent actions were misrepresented, and by which his casual failings were exaggerated into crimes, the confidence with which those transactions were imputed to him which he opposed, or in which he never concurred, and the fallacious reasonings by which every miscarriage or misfortune were imputed to his counsels, are now never mentioned but with detestation. It is now universally acknowledged, that we owe to the moderation of that noble person who was censured as the projector of servitude, the continuance of our liberty, and that he only restrained the prerogative within its just bounds, who was prosecuted as the inexorable enemy of the people.

This man, after having superintended the public affairs with abilities, diligence and integrity scarcely equalled in any nation by the most celebrated patriots, was at last driven by the storms of faction to seek for security on a foreign coast, and condemned to spend the remnant of his life in compassionating that people whom it was no longer in his power to assist, and whom the madness of their leaders hurried into measures of which perhaps the ill consequences are yet felt.

Such was at time the fate of integrity, and such is always to be feared, when the nation is inflamed by the calumnies of faction, when the public counsels are intangled with the secret interests of popular orators, and private men assume the province of judging for the parliament.

Nothing, Sir, appears to me more necessary to the happiness of mankind, than that rewards and punishments should be equitably distributed, and in order to their distribution, it is requisite that every man's merits and crimes should be made public by an impartial trial; to this impartiality the motion now offered is in my opinion directly opposite, and therefore I hope it will be generally rejected.

Mr. *Lyttelton:*

Sir; the captivating show of equity and candour, with which the honourable gentleman has delivered his sentiments on this occasion, could not but raise esteem in those who are most zealous for the cause which he has undertaken to oppose, did he not employ it to conceal facts too evident for disguise, and to palliate measures in defence of which the most artful eloquence must be exhausted in vain.

That these measures are indeed not easily to be vindicated, he has implicitly confessed, by thinking it necessary to deny, that his friend cannot be properly considered as the author of them, and by requiring proof to day of what every man in the nation knew yesterday, and will know to morrow, that he has been for 20 years the chief director of all foreign and domestic measures.

Surely that cause must be desperate

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that can require a defence like this; surely he can have little confidence in the integrity of that man, whom he endeavours to shelter from examination by denying what he is conscious that every man knows and almost every man can prove.

The present motion is only for an Address to this majesty, not that any criminal should be punished, but that a man suspected of crimes should be removed from trust; and therefore this Address may justly be promoted by every man whom his own observation or the assertions of others have induced to form such suspicions, even though they should not be confirmed by such evidence as might be required in the lower courts.

Those who have urged against this motion, that it is not supported by any precedent, seem to have forgotten, or perhaps hope that others may forget, a precedent, which cannot be decently eluded on this occasion, because it was established by the influence of the person, whose conduct we are now called upon to examine.

The peace of Utrecht, and all the other negociations which were carried on during the administration of the earl of Oxford, are well known to have been considered in parliament, and to have been ratified after long debates by a very great majority, a majority which the minister could not be charged with gaining by bribes, or retaining by pensions, a majority of members elected without pecuniary influence, and voting without any other apparent direction than their own opinions, and who, though they are now generally imagined to have been mistaken, were never yet charged with being corrupt.

Yet was not this sanction sufficient to secure the noble lord in the next reign, from the violence of prosecutions and the rigours of imprisonment, prosecutions incited by this gentleman's malignity, and imprisonment promoted by his counsels. In defence of this precedent, I shall only urge, that if such a process was equitable at that time, it may safely be imitated, and that though it should be acknowledged even by those that then countenanced and defended it, to have been precipitate and cruel, it may justly be practised on this occasion, since it is reasonable that the authors of evil counsels should feel the effects of their own schemes, and that every man should find that treatment which others have received from him.

Such severities, however, are not intended by the advocates for the present motion, who are content to put an end to the miseries of the nation, without punishing him to whom they think them justly imputed; who intend not vengeance but security; and who, by removing the minister from the presence of his sovereign, from which he has long driven every man that opposed him, and from those counsels which he has always directed to the detriment of the nation, propose not to gratify resentment, but to prevent destruction.

Lord *Cornbury:*

Sir; I doubt not but it will be expected by those who have made and justified the motion, that I who have generally opposed the measures of the administration, should readily concur in censuring the man to whose counsels they are imputed, and by whose influence they are supposed to have obtained approbation; and perhaps it may not be without incurring some suspicion of criminal inconstancy, that I declare my disapprobation of the method of prosecution which is now proposed; a suspicion which I shall however try to avoid, by laying before the House the reasons of my conduct, and the grounds of my opinion.

There has always appeared to me a great difference in the rules which political and personal questions require to be observed. In questions relating to public affairs, it is rational to suppose those measures wrong which are not proved to be right; but in criminal prosecutions it is a maxim in the law, that every man shall be supposed innocent till it is shown by evidence that he is guilty. In opposing measures therefore, I am at liberty to require evidence; in attacking persons I am obliged to produce it; nor does the man whom I accuse of misconduct, need to make any other defence than that of denying the charge.

In the present case, Sir, a right hon. member of this House is accused of dishonouring his sovereign, of betraying his trust, of weakening the influence, embarrassing the commerce, and obstructing the arms of his country, of giving up the rights of the nation by cowardly negociations, and of attacking its liberties by an attempt to introduce oppressive laws and cruel exactions. A charge in the highest degree atrocious, and which ought therefore to be supported by the strongest proof.

But instead of evidence produced to prove the particular articles of this complicated accusation, we have heard hitherto only florid declamations which may amuse but cannot convince, and violent invec-

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tives which may fire the passions for a moment, but which can have no lasting effect upon the judgment. These have been answered by rhetoric equally engaging, and assertions equally consistent, but to which the laws have given this advantage, that we are obliged to admit them till they are confuted, and by consequence to reject those of the accusers till they are proved.

That those who have hitherto distinguished themselves by an unvariable opposition to the ministerial schemes should reject the present motion has been mentioned as an inconsistency not to be imagined, as an absurdity, which could not be supposed without an apology. So easily do the wisest men suffer their desires to influence their reason, and so difficult is it for any man strongly convinced of the truth of his opinion to believe that others can justify themselves in dissenting from it.

For my part, Sir, I can easily conceive, that many may have condemned all these transactions which have been represented as the grounds of the present motion, without thinking that the motion deserves their concurrence, or that by rejecting it they shall forfeit the praise of steadiness and perseverance. Since nothing is more evident than that this motion may be unjust, though the opposition should be supposed hitherto to have acted under the direction of infallible guides, and all the schemes and measures of the minister to have been detrimental to the nation.

To justify opposition it is only to be proved that the measures proposed, were improper or unjust; but to support this motion it must be shewn that they are the proposals of a particular man. It has been hitherto indifferent in the debate, whether they were errors or crimes, whether the authors of them were deceived or corrupted, it is now necessary to prove them the consequences of wicked intentions, of intentions so much vitiated as to deserve the public censure of the parliament.

There remains one objection more, which in my opinion requires to be answered; the advocates for the motion seem to endeavour to advance a charge of accumulative guilt, to aggravate one crime by the super-addition of another, and rather to intend a popular censure than a legal condemnation.

I suppose no man will suspect that an unjust partiality in favour of the gentleman, whose conduct is now the subject of examination, influences me to censure this method of proceeding, since no man can want reasons against it of the greatest weight, reasons which deserve the closest attention from every man of prudence and virtue, of every man who regards his own safety, or the happiness of future generations. No man whose judgment is not overborn by his resentment, and whose ardour for vengeance has not extinguished every other motive of action, can resolve to give the sanction of his voice to a method of prosecution, by which the good and bad are equally endangered, and which will make the administration of public affairs destructive to the purest integrity and the highest wisdom.

That such must be the consequence of charges like this will appear no longer a paradoxical assertion, if it be remembered, that humanity is a state of imperfection, that the strictest virtue sometimes declines from the right, and that the most consummate policy is by false appearances, or accidental inattention betrayed into error. For how soon must that man be destroyed, whose high station exposes him to the continual observation of envy and malevolence, whose minutest errors are carefully remarked, and whose casual failings are treasured up as a fund of accusations. How soon, if trivial transgressions shall be accumulated into capital crimes, may the best man complete the sum of his offences, and be doomed to ignominy, to exile, or to death?

In criminal proceedings particular regard has been had to precedents, and surely the effects of a former accusation of this kind, give us no encouragement to the repetition of it. From a charge of accumulative treason, the faction of the last age proceeded to the usurpation of boundless authority, the subversion of our constitution, and the murder of the king.

I shall, therefore, continue to suppose every man innocent till he appears from legal evidence to be guilty, and to reject any charge of accumulative guilt, upon the same principles of regard to liberty, to virtue, to truth, and to our constitution, by which I have hitherto regulated my conduct, and for the same reasons for which I have condemned the measures of the administration, I shall now oppose the present motion.

Mr. *Shippen* declared, That he looked on this motion as only a scheme for turning out one minister, and bringing in another: that as his conduct in parliament had al-

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ways been regulated with a view to the good of his country, without any regard to his own private interest, it was quite indifferent to him, who was in or who was out; and he would give himself no concern in the question*.

Sir *Charles Wager* declared, That, to his knowledge, sir Robert Walpole was as forward and zealous to promote the war as any of his majesty's council, and that nothing was a moment wanted in his province, that of issuing money: that he had

* Having said this, Shippen withdrew, and was followed by thirty-four of his friends.

"In this whole transaction, the greatest surprise was excited by the conduct of Shippen. His secession exposed him to much obloquy from the party whom he deserted. Some inferred, that his absence was purchased by a bribe, and did not scruple to affirm, that he received an annual pension from government; others have been so unjust as to assert, that this rumour was industriously raised by Walpole, to decry his integrity, and diminish his influence. It might be sufficient to refute this unjust reflection, by observing, that his wife's fortune placed him far above all temptation, and that he had exhibited a strong proof of disinterestedness at a very trying period. When Shippen was committed to the Tower, for declaring that the only infelicity in his majesty's reign was, that he was unacquainted with our language and constitution, and that the speech from the throne was rather calculated for the meridian of Germany, than of Great Britain; the prince of Wales, then dissatisfied with his father, sent general Churchill, his groom of the bed-chamber, to him, with the offer of a present of 1,000*l.*; which Shippen declined. That he was honest and inflexible, is undoubted! Even Walpole himself has attested this truth, by repeatedly declaring, not only while he was at the head of affairs, but after his resignation, not only during the life of Shippen, but after his death, that he would not say who was corrupted, but he would say who was not corruptible, that man was Shippen.

"The real cause of his secession, I am enabled to ascertain, from the account of a person nearly related to him: sir Robert Walpole having discovered a correspondence, which one of Shippen's friends carried on with the Pretender, Shippen called on the minister, and desired him to save his friend. Sir Robert willingly complied: and then said, Mr. Shippen, I cannot desire you to vote with the administration, for with your principles, I have no right to expect it. But I only require, whenever any question is brought forward in the House personally affecting me, that you will recollect the favour I have now granted you. It is likewise to be observed, that this was only a temporary truce, for he soon resumed his accustomed opposition, and gave his assistance to those strenuous measures, which drove the minister from the helm. If uniformity of principles, and consistency of conduct, be admitted as a merit, William Shippen certainly deserves that eulogium as much or more than any other member of the House of Commons. Yet in considering the persons who formed the minority, we ought to be on our guard, lest we mistake the heat of party for true patriotism; and we should also be wary in trusting to expressions which are become almost cant words, and have been handed from one writer to another, until they have been adopted as unquestionable truths. Thus he is called by various writers, "the English Cato," "inflexible patriot;" and Pope has said of him,

I love to pour out all myself, as plain
As honest Shippen, or downright Montagne.

"But though we may allow him to be honest and incorruptible, yet the appellation of true patriot can by no means be justly conferred on him; unless we should style that man a patriot, who was notoriously disaffected to the Protestant succession, and publicly known to be in the interests of the Pretender; who did not affect even to conceal his sentiments, who in the heterogeneous meetings of the opposition, disgusted the old Whigs with declarations on the necessity of restoring the Stuarts; and who in company with his intimate friends, was often heard to declare, that he waited for orders from Rome, before he would give his vote in the House of Commons.

"The family of Shippen was settled in Cheshire. His father, who was rector of Stockport, had four sons, one of whom was president of Brasen-nose college, Oxford, a man of distinguished abilities, and of the same principles with his brother; and one daughter, who married Mr. Leyborne, a gentleman of respectable family in Yorkshire.

"William Shippen was born about the year 1672, and received his education at Stockport school, which was conducted with great credit by a master whose name was Dale. He first came into parliament in 1707, for Bramber in Sussex, in the place of John Asgill, who was expelled for blasphemy, by the interest of lord Plymouth, whose son Dixie Windsor was his brother-in-law. He again represented that borough in 1710. In 1713, when he was chosen for Saltash in Cornwall, probably by government interest, but waved his seat in 1714, on being elected for Newton in Lancashire, through the interest of Mr. Legh of Lime Park, in Cheshire, whose aunt, lady Clarke, was married to his brother Dr. Shippen, which place he continued to represent until his death. His paternal estate was very small, not exceeding 400*l.* a year, but he obtained a fortune of not less than 70,000*l.* by his wife, who was daughter and co-heiress of sir Richard Stote, knight, of the county of Northumberland, by whom he left no children. His way of living was in all respects simple and œconomical.

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never interfered in recommending any one person to the Admiralty board; and that if he had ever done so, he (sir Charles) would have thrown up all his preferments.'

Sir *Robert Walpole* perceiving the House silent, and that Mr. Pulteney had not yet spoke, rose up and said:

Sir; as this debate has been already protracted to an unusual length, I hope the request I am going to make will not be thought improper or unreasonable. It is, Sir, that I may know the whole accusation against me before I offer my defence; lest new charges should produce a necessity of new replies, and the House either be wearied with needless altercations, or be reduced to the necessity of determining without a complete knowledge of the question.

This method I hope will meet with no opposition, since it will give those who are inclined to censure me, an opportunity of hearing without interruption the whole complicated charge, and show those whom a nearer knowledge of my conduct may have induced to think favourably of me, that I am not afraid of hearing all that error or malice can suggest, that I do not desire to shelter myself in confusion, and that I do not doubt of confirming their sentiments by a defence not to be confuted.

Lord *Tyrconnel:*

Sir; as nothing is more necessary in our proceedings than order, and that perspicuity which results from it; as the accusation must naturally precede the defence, and as a continued discourse is more easily

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Before his marriage he never exceeded his income, and even afterwards his expences were not proportionable to his estate.

"For a short period he had apartments in Holland-house, from whence he dates several of his letters to bishop Atterbury, with whom he maintained a constant correspondence, during his exile. And William Morrice mentions him in one of his letters as a person who continued fixed to his principles, or as he expresses himself, as honest as ever. He seems to have had no country residence, except a hired house on Richmond-hill, but made excursions in summer to his wife's relations in Northumberland. His usual place of abode was London, in the latter period of his life, in Norfolk street, and his house was the rendezvous for persons of rank, learning, and abilities; his manner was pleasing and dignified, and his conversation was replete with vivacity and wit.

"Shippen and sir Robert Walpole had always a personal regard for each other. He was frequently heard to say, 'Robin and I are two honest men. He is for king George, and I for king James, but those men with long cravats' (meaning Sandys, sir John Roushot, Gybbon, and others) 'only desire places, either under king George or king James.'

"By the accounts of those who had heard him in the House of Commons, his manner was highly energetic and spirited as to sentiment and expression; but he generally spoke in a low tone of voice, with too great rapidity, and held his glove before his mouth. His speeches usually contained some pointed period, which peculiarly applied to the subject in debate, and which he uttered with great animation.

"Shippen published several pamphlets, the titles of which I cannot ascertain: he may be supposed to have obtained some reputation as a poet, by the mention which Sheffield, duke of Buckingham, makes of him in his poem, "The Election of a Poet Laureat:"

To Shippen, Apollo was cold with respect,
But said in a greater assembly he shin'd:
As places were things he had ever declin'd,

"Shippen wrote two political poems. Faction Displayed, and Moderation Displayed. In the first he draws the characters of the great Whig lords, under the names of the principal Romans who were engaged in Catiline's conspiracy. This satire is severe and caustic, but the lines are, in general, rough and inharmonious. The concluding passage, which refers to the death of the duke of Gloucester, is not without merit:

So by the course of the revolving spheres,
Whene'er a new discover'd star appears;
Astronomers, with pleasure and amaze,
Upon the infant luminary gaze.
They find their heavens enlarg'd, and wait from thence
Some blest, some more than common influence;
But suddenly, alas! the fleeting light
Retiring, leaves their hopes involv'd in endless night.

"His wife was extremely penurious, and from a peculiarity of temper, unwilling to mix in society. She was much courted by queen Caroline, but having imbibed from her husband a great independency of principle, ostentatiously affected to decline all intercourse with the court.

"The fortune which he received with his wife, and the money which he had saved, came to her on his death, in consequence of a compact, that the survivor should inherit the whole. As neither he nor any of his brothers left any sons, his paternal estate passed to his nephew Dr. Leyborne, principal of Alban-hall, Oxford, and Mr. Leyborne, a merchant of the factory at Lisbon. Shippen's widow lived to a great age: her infirmities being such as to prevent her making a will, her ample fortune therefore devolved on her sister, Mrs. Dixie Windsor." Coxe's Memoirs of sir Robert Walpole.

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conceived, and more accurately retained, than an interrupted and tumultuous disputation, I think the request made by the right hon. gentleman seasonable and just.

Several other members approving this method,

Mr. *Pulteney* rose and said:

Sir; I rise up, I confess, sooner than I intended, because as the request made, for whatever reason, by the right hon. gentleman, that he may hear the whole of his accusation before he offers his defence, has not been opposed, I perceive it is expected by the House, that every gentleman present, who has declared himself an enemy to the late destructive measures, and has any thing to urge against their author, should produce it, that the whole charge appearing, it may be answered at once, and nothing remain but to put the question.

That the charge will be answered by the right hon. gentleman, I can make no doubt, because he has never wanted an answer to any arguments that have been alleged against the most incredible of his assertions, or the most pernicious of his measures; but that it will be confuted by him, whatever my natural candour may incline me to wish, I confess, I do not expect: because he never yet was able to overthrow the arguments of those who opposed him, and time has been very far from adding to the facility of a vindication.

If we may guess at the nature of the defence which he will offer, from that which has already been advanced by his advocates and adherents, we may reasonably conclude that it will produce no remarkable effects upon this assembly, nor persuade any man of his innocence who has not already determined to acquit him. The gentlemen who have hitherto attempted to justify him, have only insisted on the insufficiency of the proof, and instead of vindicating the measures which have given occasion to the motion, have implicitly denied that he was the author of them, by enquiring upon what evidence he is accused.

That those, Sir, whose employments have long doomed them to the drudgery of low fallacies and sophistical evasions, who have been hired from year to year to darken truth and embarrass reason, and who having vowed fidelity to their master are insensible of any other merit, than that of inviolable adherence to his interest, and account it a laudable instance of steadiness and resolution to repeat his assertions however notoriously false, and follow his opinions however absurd, should have recourse to subterfuges like this, is no subject of astonishment, this is not the first time that they have put a stop to justice by the meanest artifices, and sheltered guilt by the most open and shameless protection.

But that such a vindication should be sufficient to suspend the judgment of gentlemen of integrity and public spirit, that it should operate upon members untainted with avarice or ambition, and procure him advocates without the assistance of a commission, a pension, or a place, I cannot reflect without amazement, nor can conceive what induces those who condemn the measures, to require any farther discovery of the author, or to call for any other evidence than their own memory and observation.

In the trial, Sir, of common criminals, witnesses are required, because the crime is commonly denied, and the judge can attain a knowledge of the question no otherwise than by evidence; but how, Sir, can any parallel be drawn between the case of a minister and a common criminal? If we compare their conduct indeed, we shall find them equally charged with invading the property to which they had no right, we shall find them equally endeavouring to escape from justice, and perhaps when they are at last reduced to make a stand, with equal insolence, setting their accusers at defiance, insisting on their innocence with equal effrontery, and calling out with equal vehemence for proof of that guilt which is already evident. But whatever similitude may appear in their behaviour, the other circumstances of their trial must be very different. The felon stands before a judge unacquainted with his character, and a stranger to his person, whom he may therefore soften by pathetic protestations, or deceive by artful evasions, and false testimonies. But the criminal is now in the midst of an assembly in which his conduct has been from year to year examined, and in every examination discovered to be wrong, to the greatest number of which his insolence, his profusion and his power have been long the subjects of observation, and to whom the means are well known by which they are supported, supported in opposition to the universal voice of the people, and in open contempt of justice and of policy.

Yet when the day arrives in which the

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question is to be discussed, whether the cries of the nation shall at last be heard, whether the king shall be informed of the miseries of his subjects, whether the pride of corruption shall be repressed, and rapacity withheld from plunder, it is enquired, what is the evidence against the man whom we are called upon to censure? Or how is it proved by external testimonies, that he is the author of evil counsels? or that the miseries which oppress, and the dangers which threaten us are to be imputed to him and to him only?

If we reflect that the difference between this assembly and common courts consists principally in this, that we are to consider facts of which we know the original, the progress, and the event, and are therefore only to decide a question which we understand in its full extent, and that other judges are to examine the circumstances of crimes, and the characters of persons which they never heard of before, it will easily be understood, why, though the inferior courts of justice require evidence, we may reasonably and justly proceed without it.

This difficulty, Sir, which I persuade myself is raised by a scrupulous regard to equity, may perhaps be removed by asking, whether if a criminal were to stand before judges who had been witnesses of his crimes, and who could refer him to no other judicature, it would be necessary for them to acquit him for want of proof? This question I suppose is already determined by every man's reason, and this is the case of the present motion.

But since more proof is required, I shall endeavour to produce it, and though I have no witnesses to summon to this bar, I have such circumstantial evidence to offer, as would not fail to convict a housebreaker, a pick-pocket, or a murderer, and which I hope will not lose its force when it is employed against crimes of greater enormity.

That this person has long enjoyed all that power and influence with which the prime viziers of arbitrary monarchs are invested, and exerted them with the same licentiousness; that he has distributed at pleasure the favours of his master; that he has transferred authority by his nod, scattered riches and honours by caprice, and made it his amusement to exalt and depress without regard to any other motives than his own inclination, is apparent from multitudes who without merit or birth are now rioting in affluence, and imitating the luxury, the insolence, and wantonness of their patron; who are now the underagents of pillage and oppression, who are betraying their country in foreign courts, or projecting in our own the means of enslaving it.

Nor is his power to degrade, less discovered by those who have fallen victims to that pride which they could not persuade themselves to worship, and been devoured by that rapacity which they would not feed, and who have been deprived of employments which only they knew how to execute, for want of sufficient reverence for the abilities of the minister, of implicit submission to his will, and unbounded confidence in his integrity.

That he has been long the sole disposer of places of profit, appears from those which he has accumulated upon his own family, of whom I believe, no gentleman will stand up and affirm, that they have any other claim than their relation to him, which can entitle them to receive so large a part of the public treasure; yet among these is a revenue squandered by which a sovereign might be supported; by these is the nation beggared, and insulted for murmuring at beggary.

Surely, Sir, no other proof than this will be required against him; for it was never yet pleaded that discovering a man with stolen goods upon him, was not a sufficient reason for apprehending him as a robber.

That he has the distribution of places in his hands, appears from the manner in which they are bestowed, and that he is master of the national treasure is no less evident from his profusion; profusion to which no fund but the exchequer can be sufficient, and of which the income of his estate and the known salaries of his visible employments are not equal to the tenth part. His conduct has indeed in this respect been such, that he seems to have thought his triumph not complete, unless he showed how little he regarded detection, and how much he despised the resentment of the nation.

For this reason, Sir, he has pleased himself with enriching palaces, and extending parks, planting gardens in places to which the very earth was to be transported in carriages, and contriving cascades and fountains where water was only to be obtained by aqueducts and machines, and imitating the extravagance of oriental monarchs at the expence of a free people whom he at once impoverished and betrayed.

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Some of the sources of his wealth are indeed easily traced, the bank contract especially has been publicly exposed. Nor are his negociations with regard to the army-debentures less criminal, by which how much, and how reproachfully he was enriched ought for ever to be remembered.

As many of the younger members may be reasonably supposed unacquainted with the nature of this affair, I shall endeavour to explain it.

The debts of the army, having been for a long time unpaid, were considered as desperate, and consequently valued at a very low rate; this opinion our minister, who has frequently boasted of his concern for national credit, suffered to prevail, however detrimental to the public service, till at length, when they were reduced almost to nothing, he thought it a proper time to circulate among his dependents an intimation that they would be discharged by the parliament, and that therefore great advantage might arise from purchasing them.

The character of his followers is too well known to raise any doubt of their ready compliance with a proposal of this kind; they, who had been always eager after the scent of lucre, rushed at once upon the prey when it lay before them, bought up the debentures before those that sold them knew how much their value was increased, and were in a few months repaid by the government with immense profit.

I suppose I need not prove that he was himself a sharer in this corrupt traffic, for it is well known that he was never inclined to overlook any opportunities of gain, nor ever regarded the interest of his followers but as subsequent to his own.

In his disposal of the favours of the crown, it is not to be imagined that he has passed over himself; many favours are visible, and it may be reasonably imagined that he has received others which are less public, since he only is the fountain of merit, and no man can have any desert but what arises from his relation to him, or his dependence on him.

I cannot therefore but conclude, that he has enjoyed this power till it is time to take it away, and divide it among others who may use it with more justice and moderation; that it is time to call him or thrust him down from the summit of authority, and try whether the nation does not afford men who will be less intoxicated with elevation, and be content with their proper provinces. Having said this, I need not add, that I shall vote for the motion.

Sir *Robert Walpole*:

Sir; having now heard the charge against me, with all the aggravation which suspicion has been able to form, and eloquence to inforce; after the most fruitful inventions have combined to multiply crimes against me, and the most artful rhetoric has been employed to blacken them, I stand up to offer to the House a plain unstudied defence, nor do I solicit any other favour than I shall appear to deserve, or wish to be protected in this storm of accusation by any other shelter than that of innocence.

The gentlemen who have already spoken in my favour have indeed freed me from the necessity of wearying the House with a long defence, since their knowledge and abilities are so great that I can hope to add nothing to their arguments, and their zeal or their friendship so ardent, that I shall speak with less warmth in my own cause.

Nor is this, Sir, the only reason for which it is superfluous to dwell long upon my own vindication; for I have not only the assistance of my friends, but the concurrence of the parliament to alleviate my task, since all the public transactions have been approved by the legislature, which are now charged upon me as instances of ignorance, negligence, or treachery. Upon the modesty or justice of such accusations, it is not my business to remark. The vindication of their own honour is properly the business of the parliament. But I cannot forbear to observe how far backwards the charge has been extended, and how many facts have been mentioned, which are forgotten by all who do not propose to gratify some passion, or promote some private interest by remembering them, and which may be therefore misrepresented without fear, since the true state of these affairs are so little known, and so difficult to be explained.

In such cases the approbation of the parliament, given at a time when the questions to which it related had been lately discussed, when they were yet the subjects of conversation, and were examined with all the acrimony of malice, and the sagacity of interest; that approbation which a complete knowledge and exact enquiry produced, will surely outweigh a subsequent censure offered by private men at the distance of many years, and after a long train of disappointments which may

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be supposed at least to have vitiated their temper, if it has not perverted their conduct.

But lest it should be thought that an appeal to former parliaments proceeded from diffidence in the judgment of this, those to whom my conduct has appeared not to deserve the censure proposed, have recollected the arguments which prevailed at those times over discontent, ambition and resentment, and of which I do not doubt but that they will now produce the same conviction.

The gentlemen by whom the motion has been supported, have indeed failed in the most essential part of their accusation. They have not yet attempted to prove that I am the author of those measures which they have so clamourously condemned; but surely they cannot be ignorant that till they have proved the criminal, their declamations upon the crime are empty sounds, that they are arrows shot without a mark, which lose their force in the air, or fall down upon those who discharged them.

It has indeed, Sir, been prudent not to attempt what they are not able to accomplish, for I defy them to shew that in any of these transactions I was engaged otherwise than as one among many, as a member of the council in which they were determined on, or of the parliament by which they were approved.

Of the exorbitant power with which I am invested, of the influence which I extend to all parts of the nation, of the tyranny with which I oppress those that oppose, and the liberality with which my followers are rewarded, no instance has been produced, as indeed no effects have been felt. But having first conferred upon me a kind of mock dignity, and stiled me the prime minister, they carry on the fiction which has once heated their imaginations, and impute to me an unpardonable abuse of that chimerical authority, which only they have thought it necessary to bestow.

If their dream has really produced in them the terrors which they express, if they are really persuaded that the army is annually established by my authority, that I have the sole disposal of posts and honours, and that I employ this power only to the destruction of liberty and the diminution of commerce, compassion would direct us to awaken them from so painful a delusion, to force their eyes open, and stimulate them to a clear view of their own condition and that of the public, to shew them that the prerogative has made no incroachments, that every supply is granted by the parliament, and every question debated with the utmost freedom, as before the fatal period in which they were seized with this political delirium, that has so long harrassed them with the loss of trade, the approach of slavery, the power of the crown, and the influence of the minister.

But I am indeed, Sir, far from believing that they feel in themselves those emotions which they endeavour to communicate to others, I cannot but think so highly of their sagacity as to conclude that even in their own opinion, they are complaining of grievances which they do not suffer, and promoting rather their own interest than that of the nation.

Whatever, Sir, is their intention, the House will undoubtedly require, that their assertions should be confuted; I shall therefore proceed to some transactions of a more private kind, in which it may be suspected that I was personally engaged.

Among these, Sir, I do not number the affairs of the debentures, with which the gentleman who spoke last has so warmly upbraided me, I have indeed long expected that the fury of the opponents of the government, every day encreased by new defeats, would at last hurry them into some wild measures, or ridiculous assertions, by which their reputation among the people, that reputation which they have with so much labour established, would be totally destroyed.

The day which I have long expected is at last arrived, they must henceforward no longer expect to be reverenced as the great dispensers of political truth, as the guardians of virtue, or the supporters of justice, but must be content to be levelled with those whom they have so long affected to despise, with courtiers, placemen, and adherents to the government; for which of all these, however dependent or corrupt, has attempted to ruin the reputation of another by charging him with a transaction in which he had no part? The debentures of the army were settled before I was advanced to any of the offices which I now enjoy, nor had I any other concern in them, than that of promoting and regulating the payment of them; and yet I am charged in this assembly, with enriching myself by an illegal traffick on this occasion.

The apparent falshood of this charge will, Sir, I hope, dispose the House to hear

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more favourably my defence against the rest, since it may be easily imagined that they who advance falshood will aggravate truth.

With regard to the employments which have been granted to my family, I know not whether any man can accuse me of doing what he would not have done in the same circumstances; nor do I believe that the most abstemious of my accusers, had he been able to obtain the same interest, would not have employed it to the same end. It will not surely be expected that I should obstruct his majesty's favours when offered to my family, and I hope their advancement cannot be imputed to me as a crime, unless it shall appear that I procured them by false representations of their virtue or abilities.

As to myself, I know not how I have given occasion to any charge of rapacity or avarice, or why I should be suspected of making exorbitant demands upon his majesty's liberality, since, except the places which I am known to possess, I have obtained no grant from the crown, or fewer at least than perhaps any man who has been supposed to have enjoyed the confidence of his sovereign. All that has been given me is a little house at a small distance from this city, worth about seven hundred pounds, which I obtained that I might enjoy the quiet of retirement, without remitting my attendance on my office.

The little ornament upon my shoulder I had indeed forgot, but this surely cannot be mentioned as a proof of avarice; nor though it may be looked on with envy or indignation in another place, can it be supposed to raise any resentment in this House, where many must be pleased to see those honours which their ancestors have worn restored again to the Commons.

Having now, Sir, with due submission offered my defence, I shall wait the decision of the House, without any other solicitude than for the honour of their counsels, which cannot but be impaired if passion should precipitate, or interest pervert them. For my part, that innocence which has supported me against the clamour of opposition, will establish my happiness in obscurity, nor shall I lose by the censure which is now threatened any other pleasure than that of serving my country.

Besides the gentlemen, whose Speeches we have given, Mr. Bootle, Mr. Grenville, Mr. Fazakerley, Mr. Boone, sir John Hinde Cotton, Mr. Waller, Mr. Ord, and Mr. Hume Campbell, spoke for the motion. And besides those before-mentioned against the motion, were Mr. Henry Archer, lord Euston, Mr. Leathes, sir William Lowther, Mr. Hay, Mr. Legg, col. Cholmondeley, Mr. Henry Fox, Mr. Attorney General, sir Richard Corbett, Mr. Clarke, Mr. Solicitor General, Mr. Danvers, Mr. Winnington, sir William Yonge, Mr. Bowes, and Mr. Southwell. Mr. Shippen withdrew, and was followed by 34 of his friends. Mr. Noel, Mr. R. Fenwick, and Mr. Browne, likewise left the House, and were followed by many more.

The debate began at eleven in the morning, and continued until four the next morning; when the question being put upon Mr. Sandys's motion, it was resolved in the Negative by 290 against 106.*

Debate in the Commons on the Clauses in the Mutiny Bill relating to the Quartering of Soldiers.†] The House, according to order, having resolved itself into a Committee of the whole House, upon the Bill for punishing Mutiny and Desertion; and for the better Payment of the Army, and their quarters,

Sir *William Yonge* rose and said:

Sir; one of the greatest perfections the laws of any country can be attended with, is, to be so plain, precise, and express in all their clauses, as not to admit of any doubt, uncertainty or double meaning. This is a rule, which ought to be observed as far as is consistent with human weakness, in the forming of every new law; and in no sort of laws is it more necessary, than in those that are made for regulating the behaviour of the civil and military power towards one another; for nothing contributes more towards making the army and the people live easily together, than to have their respective rights and

* "So great, and at that time so unusual, a majority, was far from being of any service to the party, however it had favoured the person of the minister. The wiser part of the Tories were glad of that opportunity to shew their allies, who had begun of late to affect a superiority, how insignificant they were when left to themselves, even though joined as they were by many of the Tories, who in their conduct had only consulted their aversion to the minister. He, upon his success, was certainly thrown too much off his guard, with regard to his management at the ensuing general election. He imagined, as appeared by the event, that the Tories and the Whigs in the opposition were more divided than they really were." Tindal.

† From the London Magazine for January 1742.

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privileges fully and clearly determined, so as that every soldier may know the utmost he can expect, and that his landlord, or any other person he has to do with, may know what is due to him.

This being the case, Sir, as you are now upon that Bill for regulating the army and their quarters, which passes yearly, in this kingdom, and as a doubt has arisen upon some clauses inserted in all former acts of the same nature, the duty of my office makes it incumbent on me to acquaint you with that doubt, and to propose a method for obviating it for the future. In all former Mutiny-Bills, at least in all that have been of late years passed into laws, it has been enacted, 'That the officers and 'soldiers quartered as directed by the act, 'shall be received by the owners of the inns 'and other houses in which they are so 'quartered; and shall pay such reasonable 'prices as shall from time to time be ap-'pointed by the justices of the peace, who 'are thereby empowered to appoint such 'reasonable rates for all necessary pro-'visions for officers and soldiers, for one or 'more nights, in all places which they 'shall come to in their march, or which 'shall be appointed for their residence and 'quarters.' And by another clause in the said Bills it has been enacted, 'That the 'officers, when they receive the pay of any 'regiment, troop, or company, shall give 'public notice thereof to all the inns, and 'other places where the officers and sol-'diers are quartered, that they may bring 'in their accounts; which accounts the 'officer or officers receiving the pay, are 'required to accept of, and immediately 'pay the same, before the subsistence or 'pay shall be distributed, either to officers 'or soldiers, provided the said accounts 'exceed not the several rates therein men-'tioned and ascertained.'

From these clauses, Sir, it has been, till very lately, thought, that the owners of inns, and other places where soldiers are allowed to be quartered, were obliged to furnish the soldiers with diet and small beer for themselves, and with hay and straw for their horses, if demanded; and the owners of inns and other such places have till of late, generally done so, without charging more for it in their accounts, than the paymaster was by act of parliament required and limited to pay: but of late years a different way of thinking has begun to prevail; and the owners of inns and other places have begun to refuse to furnish the soldiers with diet or small beer for themselves, or with hay and straw for their horses, at the rates allowed by the government, pretending that by the words of the act, they are not obliged to furnish soldiers with any of these necessaries, unless they approve of the prices allowed by the government, or appointed by the justices of peace.

One of the first disputes, Sir, of this kind happened but last year at Wakefield, where the price of hay had, during the hard frost, risen to an excessive height: upon this the justices of peace in that division took the case into their consideration, and appointed the rate for hay for a horse to be 8*d.* per diem. As this was 2*d.* per diem above what was allowed by act of parliament, the dragoons scrupled paying it, and the officers sent a letter to me on the subject: this letter I laid before the attorney-general, and after he had considered the case, his opinion was, that the justices of peace had exceeded the powers given them by act of parliament: that they were to appoint the rates of necessary provisions for the soldiers and their horses, but not so as to exceed the allowance given by the government, and expressly limited by the very act itself; and that the owners of inns, and other houses where soldiers are appointed by law to be quartered, were obliged to furnish them with necessary provisions for themselves and horses, at a lower rate than what was allowed by law, if the justices should appoint it to be so, but that neither they could require, nor the justices appoint any higher rates to be paid; and I must say, it is most reasonable it should be so; for a soldier has at all times one certain uniform pay from the government; his wages do not rise and fall as other peoples do, according to the price of provisions, or the demand for workmen; his pay is always the same, and the allowance appointed by law is the highest that pay will admit of: he must be supported, and therefore, in times of scarcity, you must either augment the pay of your soldiers, or you must oblige those, where they are quartered, to furnish them with necessary provisions at those rates, which their pay will admit of.

But I must take notice, Sir, that before this dispute happened, there had been one of much the same nature at Ledbury: there, the owners of inns, alehouses, and the like, even refused the soldiers the use of their fires or utensils to dress their victuals: they would allow them no small

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beer to drink, nor so much as salt to their pottage. A soldier upon a march cannot carry a kitchen, a sack of coals, and a cag of small beer upon his back; they must be allowed such things at the places where they are quartered; they thought they had a right to insist upon having them; and this had like to have bred a tumult betwixt the soldiers and townsmen. This case was laid before the then attorney-general, now lord chief justice Willes, and his opinion was, that the owners of the houses, where the soldiers were quartered, were obliged to allow them diet and small beer at the government's allowance, or even at a cheaper rate, if the justices of peace should order it to be so.

I do not myself, Sir, pretend to any great knowledge of the law, or to the art of putting the proper meaning upon the words of an act of parliament; but upon these two opinions, I think I cannot be accused of passing a rash judgment, if I say, that soldiers have, by the laws of this kingdom, a right to insist upon diet and small beer for themselves, and hay and straw for their horses, from the owners of the inns or houses where they are quartered; and, indeed, to me the sense of the acts of parliament made for this purpose, seems as clear as words can make it. However, there are many lawyers, it seems, especially in the country, who think otherwise; and the people depending upon their opinion, have now, in many places, begun to refuse diet and small beer to the soldiers quartered in their houses. I do not know but they may soon begin to refuse a soldier a bed. They have, I think, as good a right to refuse the one as the other; for the law says only, they shall receive the soldiers quartered upon them: it does not say, they shall furnish them with beds, no more than it says, they shall furnish them with diet and small beer. Till now it has always been supposed, that by receiving was meant, to furnish the soldier with such a bed as he could lie on, and with necessary provisions at such a price as he could pay. But a different interpretation is now put upon this word; and as the doctors of the law thus differ among themselves, the justices of the peace do not know how to behave. If you do not put an end to the dispute, by adding a few explanatory words to the law, which you are now to revive, a law-suit must, and is to be begun by information, for terminating this dispute.

This, Sir, will be attended with a great expence to the public, as well as to the persons that are to be sued, which, I think, you ought to prevent, now you have so fair an opportunity. But what is much worse than the expence attending a law suit, if, upon the event of a law suit, it should be found that the owners of houses where soldiers are quartered, are not by law obliged to furnish them with diet and small beer at the government's allowance, or with any thing else besides house-room, the country people, who naturally do not much like soldiers, will take all the advantage they can of what is declared to be law, and this may occasion a general mutiny in your army; for on the other hand, the soldiers, men who have got arms in their hands, and who have been taught how to use them, will not like to give up a right, they think, they have a just title to, and a right which they have enjoyed for at least threescore years without interruption.

For preventing these dangers, Sir, I have drawn up a clause, as I thought I was, by the duty of my office, obliged to do, which I shall beg leave to lay before you. What I propose is, that instead of the usual clause for obliging the inn-keepers and others to receive the soldiers billetted upon them, you should insert a Clause as follows: 'Provided nevertheless, and it is hereby enacted, that the officers and soldiers so quartered and billetted as aforesaid, shall be received, and furnished with diet and small-beer, by the owners of the inns, livery-stables, ale-houses, victualling-houses, and other houses, in which they are allowed to be quartered and billeted by this act; paying and allowing for the same the several rates hereinafter mentioned, to be payable out of the subsistence-money for diet and small-beer.'

Mr. *Sandys*:

Sir; it is an unfortunate state we are fallen into, that every session of parliament must be attended with new laws, or new clauses in old laws, for oppressing the industrious subject, and endangering the liberties of the country. It is impossible to levy high duties upon the necessaries or conveniences of life, it is impossible to keep up numerous standing armies, without such laws or such clauses; and yet we have, for twenty years, been contriving how to continue and increase both. The high duties we groan under, were introduced for supporting a heavy and expensive but necessary war; but how the keep-

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ing up of a numerous Standing Army in time of peace, was introduced, I can no other way account for, than by supposing, that it was necessary for supporting unpopular, destructive measures, and a hated minister. I am surprized to hear the forcible quartering of soldiers upon public or private houses, insisted on, as if it were a necessary mean for the support of our government. Sir, if we were to attend strictly to our constitution, even as it stands at present, we ought, in no mutiny-bill, to admit of the quartering of soldiers, even on public houses, except for a few nights, in their march from one garrison to another, or for the first night after they arrive at the place designed for their residence. Though we now keep up, though we have long kept up a great number of standing-forces in time of peace, yet properly speaking, they are no more than is supposed to be necessary for guards and garrisons; and accordingly the resolution annually agreed to in this House is, "That the number of effective men to be provided for guards and garrisons in Great Britain, for the ensuing year, shall be such a number as is then thought necessary." Before the Revolution we had guards and garrisons, even in time of peace; but before the Revolution, nor for some years after, we had no quartering of soldiers, either upon public or private houses, in time of peace, without the consent of the owner. On the contrary, by an express law, the latter end of king Charles 2nd's reign, it was enacted, "That no officer, military or civil, or other person, shall quarter or billet any soldier upon any inhabitant of this realm, without his consent;" which law stood in force till near the end of the year 1692, when the first law was made for quartering soldiers in public houses.

Before that year, Sir, our guards and garrisons, by which I mean all the soldiers we had on foot, even in their marching from one place to another, were obliged to quarter themselves as other travellers do, in houses that were willing to receive them; and when they came to any garrison or place where they were to reside, every officer and soldier provided quarters for himself; in which, I believe, there was no inconvenience found; for when soldiers behave civilly, and are agreeable to the people, there will always be houses enough, either public or private, that will be glad to receive them for what they are able to pay, unless there be a greater number of them than the place can conveniently accommodate. From the Revolution to the year 1692, we had a sort of civil war amongst ourselves, for Ireland was not entirely reduced till the end of the year 1691; and as 'inter arma silent leges,' perhaps, during that time, some liberties were taken with the laws, in respect to quartering or billetting of soldiers. But in the year 1692, the domestic tranquillity of the three kingdoms being re-established, the parliament began to think of restoring the laws to their pristine force. However, as we were then engaged in a dangerous foreign war, and upon that account obliged to keep a greater number of troops than usual; and as our troops were often obliged to march in great bodies, either from one place of the kingdom to another, as danger threatened, or through the kingdom in their way to Flanders, the parliament saw it would be necessary to provide quarters for them upon their march in a different manner from what had before been allowed by law; and therefore in the mutiny-bill for the ensuing year, which then first began to be entitled, A Bill for punishing officers and soldiers who shall mutiny or desert their majesties service, and for punishing false musters, and for the payment of quarters, the clause for quartering soldiers in public houses, without consent of the owner, was introduced, and has ever since remained in all the mutiny-bills passed, to this very day; for a favourite power once granted to the crown, is seldom recovered by the subject, without some remarkable revolutions in our government.

But by this clause, as the act then stood, it was not intended, that soldiers should be quartered or billetted in the places appointed for their residence, even indeed upon public-houses, without the consent of the owner. At least it was not intended they should be so quartered for any longer than the first night after their arrival. That this was the intention of the act, is, I think, plain, from the next clause of the act, whereby it is enacted, "That officers and soldiers billetted, as directed by the preceding clause, shall pay such reasonable prices as shall be appointed by the justices of peace in their quarter-sessions; and the justices are thereby required to set rates for provisions, for one or more nights in their marching, and the first night only in places appointed for their residence.

This, I think, Sir, plainly shews, that, in places appointed for the residence of soldiers for any time, neither officer nor soldier was to be quartered for more than the

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first night, upon any house, public or private; and the reason is evident, because, being then settled, if they could not agree with their landlords, where they were first lodged, for a continuance, they might next day look out for, and provide new lodgings or quarters for themselves. It was not then intended to give any soldier, and much less an officer, a right to lodge in the best room of an inn or alehouse, without paying any thing for it, and that, perhaps, for a year, or for several years together. Even when they were upon a march, or for the first night after their arrival at the place appointed for their residence, they were not to have their lodging absolutely free; because the justices were certainly to have a regard to the expence and trouble of lodging them, when they settled the rates they were to pay for provisions. The modern practice of giving every officer and soldier a free lodging in the house where he is quartered, whether he spends any of his money there or no, and even in the place where he is appointed to reside, as well as when he is upon a march, would then have been rejected with great contempt, if it had been proposed; for it is really laying a tax upon the subject, without the consent of parliament, at least without any such consent obtained in a regular manner, and according to the usual methods of proceeding in parliament, when the subjects, or any part of them, are to be loaded with a new tax. But, a foundation being thus laid for obliging our public-houses to give free lodging to the soldiers for a few nights in their march, and for the first night after their arrival at the place where they were appointed to reside, a pretence was from thence taken to insist, that soldiers were always to be a load upon our public-houses, and to be entitled to have always a free lodging even in the places appointed for their residence. Perhaps the words of this first law were left a little doubtful, on purpose to draw this inference from them; but this was not enough; for, in order to give soldiers a less doubtful title to this free lodging for ever, the words of the law were afterwards altered, and the justices were required to set and appoint such reasonable rules for all necessary provisions for such officers and soldiers, for one or more nights, in the several places which they shall come to in their march, or which shall be appointed for their residence and quarters.

Thus, Sir, you see what an encroaching thing an army is, and I wish it did not encroach upon us in any more dangerous respect. This of free lodging for soldiers is now become a continual and settled tax upon the public-houses, in all places where soldiers are usually appointed to reside.

Every such house has generally one soldier at least quartered upon it; and if the landlord does not give his guest such a lodging as pleases him, he must pay him such a sum weekly as he shall demand, for his furnishing himself with a lodging. Here in Westminster it is by custom settled at 9*d.* a week, that is, 39*s.* per annum, for a common soldier; and consequently the officers, if they should insist on it, might surely demand a great deal more. Is not this, Sir, taxing the subject? Is it not increasing the pay of the soldier, without any proper legal authority for either? This tax, Sir, is the more grievous, because of its being raised upon part of the people only; and it is the more dangerous, because a minister may raise it in what places, and in what proportions he pleases, and consequently may make it a handle for oppressing those counties, cities, and boroughs, that do not send him up such members to this House, as he shall please to direct. But this handle is not, it seems, sufficient, therefore some new strength must be added to it; and for this, a pretence is taken from some clauses in our late mutiny-acts, which, I think, can admit of no such meaning. The inn-keeper, or victualler, must now, it is said, furnish the soldiers quartered upon him, not only with lodging, but also with board, both according to the liking of the soldier, and yet he is to have no more for both than a groat a day. In times of plenty, the soldier will furnish himself, because he can, perhaps, do it at 2*d.* a day, but in times of scarcity, he will oblige his landlord to furnish him, because he cannot do it perhaps under 8*d.* a day. Is this just, Sir? Is it equitable? Is it possible to suppose that an act of parliament should establish such imposition?

I do not know, Sir, nor do I much regard, what opinion the lawyers may have given; because they generally give their opinion according as the case is stated to them; and therefore, when the case is falsely stated, their opinions must be wrong. This seems to be the case at present. The question is not, what an inn-keeper or victualler may demand, if he does furnish the soldier, quartered upon him, with provisions; for it is plain he cannot recover

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more than a groat a day; because the paymaster can stop no more of a soldier's pay on that account; and how the victualler can otherwise recover it, I believe, no lawyer, or even a conjurer, can tell. The only question therefore is, whether an innkeeper or victualler be obliged to furnish the soldiers quartered upon them with provisions; and this, I think, admits of as little doubt as the other. He certainly is not obliged to do so, by any express words in the mutiny-bill passed last year. By a clause in that bill, as well as many former, the inn-keeper is obliged to receive the soldiers quartered upon him: he must let them into his house: he must not shut his doors against them: but this is all he is obliged to do by that law: even his furnishing them with beds is by that law left, as it should be, depending upon his courtesy; and hitherto it has produced no dispute, nor have the soldiers been left unaccommodated, except in a few very extraordinary cases, which can afford no foundation for any alteration in the law.

Both the instances that have been mentioned, are of this kind. The dispute of Wakefield I am far from being surprized at; I am surprized, Sir, there were not such disputes last winter all over the whole kingdom. It was cruel to oblige innkeepers to furnish hay and straw to the soldier's horse, at the rate of 6*d.* per diem, when hay and straw bore such monstrous prices; nay when their own cattle were perhaps dying for want. The justices were in the right to allow 8*d.* Can it be said, that a trooper or dragoon could not afford 8*d.* for his horse at a time when there was such a scarcity of all sorts of fodder? Why may not a trooper or dragoon live upon 4*d.* as well as a foot soldier? Suppose he allowed 8*d.* for his horse, he had 4*d.* a day for himself; and with that, or with the worse fare for himself, he should have been content; especially as he knew the scarcity of fodder could not be of a very long continuance.

The affair at Ledbury too, Sir, was a case of a very extraordinary nature. The people there did not like at that time to have any soldiers among them, or at least not so many of them; because they thought themselves oppressed, and knew that the soldiers were sent there, to prevent their taking their own way for freeing themselves from that oppression. I do not say it was wrong to send soldiers there or to send such a number of them; because whether the people were oppressed or no, they had taken a very wrong method to free themselves from that oppression. They had chosen a riotous and tumultuous way of doing it; and a gentleman in the neighbourhood, who had acted the part of a bold and worthy magistrate, had not only been insulted by the mob, but was in danger of being murdered by them. The people in that neighbourhood had behaved in a most riotous and obstinate manner upon that occasion: but surely the obstinacy of the people in a particular corner, and upon a particular occasion, is not to be pleaded as a reason for oppressing the whole kingdom.

The few disputes that have happened, Sir, in such a long course of years, between the soldiers and the people where they are quartered, is a much stronger reason for continuing the law as it is. The harmony between the soldiers and the people may hitherto be said to have been general: But do not let us depend, Sir, upon the continuance of this harmony, if we should begin to keep up a greater number of troops, or even if we should continue to keep up the same number for many years to come. The people must always suffer many hardships by the quartering of soldiers, and these hardships must increase or diminish in proportion as we increase or diminish our standing-army. The people have for many years expected a diminution of our army, and consequently a diminution of the hardships they suffer from thence. They have every year hoped it would be the last, and that the next year will put an end to most of the hardships they suffered on account of our army. However sharp-sighted our ministers and parliament-men have been, in securing those dangers which have all along been pretended as a reason for keeping up such a numerous standing army, the people could perceive none of these dangers, or at least they supposed, that such tremendous prospects would not regularly present themselves to view every succeeding winter, and this confirmed them in their annual hopes that next session of parliament would reduce the army, and that our regular troops would at last come really to be what they every year are supposed to be by parliament, nothing but guards and garrisons, which would of course free all those who do not live in the purlieus of a garrison, or the sunshine of a court, from the burden of quartering of soldiers.

But, Sir, the people have been so long

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disappointed in these expectations, that it is to be feared they will soon grow desperate. They will despair of ever seeing themselves relieved from the hardships they groan under, with respect to the army. The suspicion will become general, that such a numerous army is not kept up to protect us against foreign dangers, or because it is necessary for the just ends of government, but because it is necessary for supporting and enforcing the weak or oppressive measures of an administration. In this case, every corner of the kingdom will become a Ledbury. The soldiers will become every where hateful to the people, and the people will become despicable in the eyes of the soldiers. There will then be no courtesy, no harmony between the soldiers and the persons upon whom they are quartered. The latter will furnish nothing to their unwelcome guests, but what they are in the utmost strictness of law obliged to furnish; and every soldier will exact with the utmost rigour whatever he thinks himself entitled to by law. This will of course occasion many broils between the people and the soldiers, and may at last occasion an insurrection; which will probably end in a total reduction of the army, or in the establishment of a military government.

This consequence, I say, Sir, is to be apprehended even from the army you have now on foot, and from the laws you have now in force, with regard to the quartering of soldiers; but if by new laws you increase the demands of the soldier upon his quarters, and at the same time oblige the persons upon whom he is quartered to answer those demands, the approach of this fatal consequence will be accelerated: I say, Sir, if by any new law you increase the demands of the soldier: For whatever gentlemen may think, the soldier's demands upon his quarters will be very much increased by what is now proposed. At present he does not think, that his landlord is obliged to furnish him with diet and small-beer, at the rate of a groat a day, the soldier will insist upon much better provisions, and perhaps a greater quantity too, than what he now cheerfully accepts of. The immediate consequence of this will be, that a great many of our inn-keepers and other public-houses will give over that business, and betake themselves to some other way of living. This will increase the burden upon those that continue in the business, which will soon make many of them follow the same course; so that at last you may not have, in many places, a sufficient number of public-houses, for receiving a party of soldiers upon their march; and the consequence of this is, that they must either lie in the fields, or be quartered upon private houses. The former they would not submit to; the latter I dread to think of, and therefore I am against the clause proposed.

Sir *William Yonge*:

Sir; when I opened this affair to you, and gave my reasons for the clause I took the liberty to offer, I told you that the case had been lately rendered doubtful, by some peoples refusing to furnish the soldiers, quartered upon them, with diet and small beer, or, indeed, with any thing else; and that upon this a law-suit was intended to be commenced, in order to have this question determined. If there had been any express words in the law for obliging inn-keepers and others to furnish the soldiers, quartered upon them, with diet and small beer, at the rate of a groat a day, no such doubt could ever have arisen, no man would have been so mad as to have refused it, when the express words of the law appeared against him, nor would there have been any necessity to have troubled you with a new clause upon this occasion. But will the hon. gentleman say, that nothing is ever comprehended within the meaning and intention of a law, though not declared in express words? This is the very case now before us; the question that has arisen, is not upon the express words, but upon the meaning and intention of the law; and if there was ever any obligation created or established by inference from the meaning and intention of a law, I think there is, from the meaning and intention of this law, a plain obligation laid upon inn-keepers and others, to furnish the soldiers quartered upon them, with a convenient lodging, at least with as convenient a lodging as they can afford, and with necessary provisions, that is to say, diet and small beer, at such a rate as shall be appointed by the justices, not exceeding a groat a day.

This, Sir, is my opinion, and in this opinion I am supported, not only by the opinion of several eminent lawyers, but also by as plain inferences as were ever in this world drawn from any law. This, I think, will appear evident, if we will but seriously consider the two clauses, in the last mutiny act, which relate to this question. The first says, 'That soldiers quar-

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'tered as aforesaid, shall be received by 'the owners of inns, and other houses, in 'which they are allowed to be quartered 'by that act; and shall pay such reason-'able prices as shall be appointed from 'time to time by the justices;' And then by the same clause, the justices are empowered and required to set and appoint reasonable rates for all necessary provisions for such soldiers. Now, Sir, if the law did not intend to oblige the inn-keeper to furnish the soldiers with necessary provisions, for what end was the justice obliged to interfere? If the inn-keeper was to agree to furnish the soldier with necessary provisions, he would not certainly agree, unless the soldier on his part agreed to pay him such prices as he insisted on; and, if they two agreed together, what had the justice to do in the affair, or why should the law oblige him to interpose? Nay, his interposition would signify nothing; for if the inn-keeper agreed to take less than the rate appointed by the justices, they could not prevent his taking less; and, if the soldier agreed to pay more, they could not prevent his paying it. Therefore, from the law's requiring the justices to interpose, I think, it is evident, that it meant to oblige the inn-keeper to furnish the soldiers quartered upon him with necessary provisions; because, otherwise, the greatest part of this clause would be most impertinent and useless.

The other clause, Sir, which relates to this question, is that which is intended for securing the inn-keeper's payment; and here I must observe, that one of the chief designs of this law, as appears from the very title, is to provide effectually for paying the quarters of the army; and how does it provide? By enacting, 'That the 'pay-master, when he receives the sol-'dier's pay, shall give notice to all inn-'keepers and others to bring in their ac-'counts: and that he shall accept of, and 'immediately pay those accounts, before 'any part of the subsistence be distributed 'to the soldiers; but with this proviso, 'that such accounts shall not exceed 4*d*. 'per diem for a foot soldier's diet and 'small-beer.' Can we suppose that a law chiefly intended for securing the payment of the army's quarters, would have had such a proviso, if it had intended, either that the inn-keeper should have liberty to charge more, or that the justices should have a power to appoint a higher rate for that article. To suppose so is, I think, supposing the law-makers to have been guilty of a very great absurdity. But the contrary is, in my opinion, very evident. They wisely considered the utmost a soldier could allow for diet and small beer; and they restrained both the inn-keeper and justice from exceeding that sum. The inn-keeper must therefore take care to provide such diet and small beer for his soldier, as may be afforded for that price; and this the soldier must be satisfied with, because he can pay for no better.

Thus, Sir, as to the question's being without any doubt, I agree with the hon. gentleman that spoke last; and yet, he and I differ very widely in our opinion. He thinks it is the negative side of the question that is certain and without any doubt, and I think, it is the affirmative. I think, that by a plain inference from, though not by any express words in the law, the inn-keeper is certainly obliged to furnish the soldier quartered upon him with diet and small beer, at a groat a day; and he thinks that, neither from the words, nor the meaning of the law, the inn-keeper can be obliged to furnish the soldier with diet and small beer, at that or any other price, but that if he does furnish him, he can recover no more than a groat a day. I shall not therefore say it is a doubt, because that word seems to offend, but it is a difference in opinion, that makes the clause I have offered necessary; and as we have now the opportunity before us, I think we ought to determine that difference, and prevent the expence of a law-suit, both to the public and to the private persons that may be concerned. As we are now apprised of this difference in opinion, about the meaning of some of the clauses in the former law, I think it would be a neglect of duty in us to revive that law, without determining that difference; for, I am sure, we ought not, knowingly, to make a law that must create a law-suit; and there is nothing more apt to occasion disputes, and even broils between the soldiers and the people upon whom they are quartered, than their differing in opinion about their respective rights.

I am so well convinced, Sir, of the inconveniences and dangers that may ensue from leaving this difference in opinion subsisting, that I should rather chuse to have it expressly declared, that inn-keepers shall not be obliged to furnish the soldiers quartered upon them with diet and small-beer, than to have it remain in the uncertainty it is at present. But if you should determine the question in this way,

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I am persuaded no inn-keeper, victualler, or other person, upon whom soldiers are usually quartered, would furnish them with provisions at the rates which they are able to pay. The appointing a certain rate for provisions would in that case signify nothing; because if the inn-keeper did not like the rate appointed by the justices, he would furnish no provisions: the soldier must provide for himself; and this might be rendered impossible by a combination among the tradesmen and inhabitants of a country town; which combination would, very probably, be entered into in all country towns and even in cities, that do not like to have any soldiers among them. There is, therefore, I think, a necessity for obliging some sort of people or other to furnish the soldiers with necessary provisions; and none are so proper to be laid under this obligation as persons upon whom they are quartered.

Then, Sir, with regard to what the soldier is to pay for diet and small-beer, you may settle it at what you will, or not settle it at all if you please; but I am very sure, a soldier cannot pay above a groat a day for diet and small-beer, because the subsistence money actually paid him by the government, never, or but very seldom, exceeds that sum: a common soldier has, indeed, six-pence a day allowed him; but then, the deduction made for cloathing, for stockings, shoes, shaving, and other incidents, reduce his pay to very little above a groat a day for his subsistence. This, therefore, is the highest he can give for diet and small-beer; and as a housekeeper may always provide for a single man, lodged in his house, at a cheaper rate than such single man can provide for himself, I am convinced, there is not, at present, a place in England, where a housekeeper may not furnish a soldier, lodged in his house, with diet and small-beer, at less than a groat a day. In times of scarcity, it is true, it may be difficult to furnish him with diet and small-beer, at a groat a day; but, at such times, the soldier must take up with worse fare; and, as they very seldom happen, they cannot be made a foundation for any established regulation. A famine may, indeed, arise in the land: such a scarcity of provisions of all kinds may happen, as to render it impossible for a soldier to subsist upon a groat a day; but if any such calamity should happen in the country, and should continue for any time, it would be absolutely necessary for the government to make a temporary addition to the soldier's pay; for it is not to be expected, that a body of men, with arms in their hands, will allow themselves to starve. You must enable them to purchase a subsistence: if you do not, they will take it by force. You must provide for them by law; if you do not, they will provide for themselves against law. If you oblige the owners of houses, where soldiers are quartered, to furnish them with diet and small beer at a groat a day, it may, in a time of scarcity, in some places, be a loss to the owners of such houses; but that loss, I hope, will never be general, or of any long continuance, and consequently can never be so great as to come within the notice of the law, for 'de minimis non curat lex.'

I shall grant, Sir, that, if such a scarcity as this were to be of any long continuance, and no additional pay given to the soldiers, in order to enable and oblige them to make an additional allowance to their landlords for diet and small-beer, it would force many of our public-houses to give over their business, because the loss they had sustained would disable them from continuing it; but an inn-keeper, alehouse-keeper, or victualler's being at a small loss for a week or two in a year, or for a month or two in seven, by being obliged to furnish the soldiers quartered upon them with diet and small-beer, will never force him to give over his business, even though our army were much more numerous than it is; nor will his being so obliged, occasion any broils between him and the soldiers; because, if they should not rest satisfied with such fare as he may afford them for a groat a day, and should on that account be uncivil, and troublesome in their quarters, he may have an easy remedy, without any expence, by complaining to the commanding officer, who must, in order to recommend himself to the government, be always ready to hear such complaints, and to give redress, by punishing the soldier when he deserves it.

From this consideration it is, Sir, that if any thing is, by law, to be left to courtesy and civility, it ought, I think, to be left to the courtesy and civility of the soldier rather than his landlord; because the former may, by martial law, be punished for want of courtesy or civility, but I know no law by which the latter can; and, from experience we find, we have less reason to accuse soldiers of want of civility, than we have to accuse their landlords; which may be owing to this very reason, that the offi-

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cers are always at hand, and have a power to punish soldiers for any rude behaviour in their quarters, whereas, the persons upon whom they are quartered, are liable to no such check. In the affair at Wakefield, if it had not been for a most seasonable and prudent interposition of the commanding officer, a most dangerous tumult might have ensued; for the townsmen had exasperated the soldiers to such a degree, that it was with the utmost difficulty the commanding officer prevented their coming to blows; and if he had not had a great deal of prudence, as well as great authority, over the men under his command, he could not have restrained them from revenging themselves upon some of those persons that had used them so ill. I shall, therefore, never be afraid of putting it in the power of soldiers to demand from their landlords what is necessary for their subsistence, at such prices as they can afford to pay; but I am extremely afraid of putting it in the power of those persons, upon whom soldiers are quartered, to make it impossible for them to subsist; which will, I think, be the case, if you do not agree to some such regulation as I have proposed.

The hon. gentleman says, the cases that have been mentioned are of an extraordinary nature, and ought not, therefore, to be made a foundation for altering the law. Sir, the case of Wakefield, and the case of Ledbury, are not the only two cases that might be mentioned: in many other places, as well as there, the inn-keepers, and alehouse-keepers have refused to furnish the soldiers with diet and small beer, or with fire, and the necessary utensils for dressing their own provisions; and now the question is started, I make no doubt, but that, in a short time, the soldiers will meet with the same refusal in every corner of the three kingdoms. It was never questioned, till very lately, but that an inn-keeper or victualler was obliged to furnish the soldiers quartered upon him with diet and small beer, at such rates as the justices should appoint, not exceeding a groat a day; but of late they have been by some lawyers advised, that they are not obliged by law to do so; and therefore we may expect, that, from henceforth, none of them will furnish the soldiers quartered on them with diet or small beer, or with firing, salt, or any kitchen utensils for dressing the provisions they buy for themselves, which, in my opinion, will make it impossible for the soldiers to subsist, especially when they are upon a march from one part of the kingdom to another; and the necessary consequence of this will, I think, be a mutiny in the army; which I dread much more than any danger that can arise from obliging inn-keepers and others, to furnish the soldiers quartered upon them with diet and small beer, at such reasonable rates as the justices shall appoint, not exceeding a groat a day.

I shall admit, Sir, that it is a little unequal, and will be a sort of hardship upon the owners of public houses, to oblige them to furnish soldiers with diet and small beer at a groat a day, when provisions are dear; and yet to leave it in the power of the soldier to furnish himself, or in the power of the justices to make the owners of such houses take less, when provisions are cheap; this, I say, I shall admit to be a hardship, because in time of plenty the owners of such houses can have no opportunity to repair the loss they suffered in times of scarcity. But, Sir, it is a hardship arising from public necessity, and must therefore be submitted to. Is not the quartering of soldiers a hardship as well as this? and yet no scruple has ever been made to subject the owners of public houses peculiarly to this hardship. It is a less hardship upon them, than it would be upon any other part of the people; and as their business is more profitable and easy, than most other sorts of employments, which people of an inferior degree usually betake themselves to, the parliament wisely, and, I think, justly too, resolved, that they alone should bear this burden, as often as public necessity should require. The inequality, therefore, of this burden or tax, if you please to call it so, is not to be complained of; and if the quartering of soldiers were made a handle of for oppressing any city, borough, or corporation in the kingdom, especially for the sake of influencing elections, I make no doubt, but that we should soon hear a complaint of it in this House, and upon that complaint I as little doubt, that the authors of such oppression would meet with condign punishment.

Thus, Sir, as I see no dangers that can accrue from the clause I have offered; as I apprehend many inconveniences, and even dangers too, from the law's being left as it is, I must still hope to see what I have taken the liberty to offer, or some clause to the same effect, made a part of the bill now under your consideration.

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Mr. *Gybbon:*

Sir; the obscurity and uncertainty of the law now under our consideration, proceeds from a very natural cause, a cause which renders all laws obscure, that are intended by the promoters to encroach upon the rights, liberties, and privileges of the people. By the laws of England, ever since we had such a thing as an established constitution, a man's house is reckoned his castle; no stranger, no civil officer is to enter into it without his consent, unless he has committed, or is suspected to have committed some crime. This was the privilege which every Englishman antiently enjoyed; but taxes and standing armies have now deprived most of the subjects of England of this valuable privilege; and in all the laws that have been made for this purpose, we may observe an obscurity, which by degrees only has been cleared up. At first the promoters and contrivers were cautious, lest the friends of liberty should perceive the extent of their design, and in the bills they proposed, they expressed themselves obscurely, that afterwards, in the execution, they might by interpretation extend the efficacy of the law; this raised doubts and disputes, and these have generally been cleared up by new or more extensive encroachments upon the liberties of the people.

These gradual encroachments, Sir, are, in no case, more apparent than in what relates to the laws now under our consideration. When this project of quartering soldiers upon public houses without the consent of the owners was first thought of, it would have sounded very harsh in the ears of an Englishman, to have seen a clause inserted, for compelling the owners, even of such houses, to receive such guests, whether they would or no. The projectors were therefore obliged to content themselves with a clause for giving liberty, not a power, to constables and chief magistrates to quarter soldiers upon such houses, and they said they desired this liberty only for soldiers upon a march, and for the first night of their arrival in the places appointed for their residence. They were forced to suppose that the owners of such houses would willingly receive such soldiers as were quartered upon them by the civil magistrate, but this supposition they took care not to have expressed in the law, it would then have plainly appeared, that there was only a liberty, which was all they then seemed to ask, granted to the civil magistrate, to quarter or billet soldiers upon public houses, but that he had no power to compel such houses to receive them. This was to be left to custom, because they knew that few private men would like to dispute the power of their magistrates; and if any such disputes should arise, the projectors trusted to their being able to get it explained in their favour, by some new clause. Accordingly, Sir, when the dispute or question was started, whether the owner of a public house was obliged to receive the soldiers quartered upon him by the civil magistrate, they at last got that clause inserted, which has since stood in all mutiny bills, whereby it is enacted, 'That the owners of such houses shall receive the soldiers so quartered upon them.'

Thus, Sir, that which was at first desired as a liberty only, has since been converted into a power; and that liberty or power which was at first desired to be temporary only, that is to say, to quarter soldiers 'for one or more nights in their marching, and for the first night only in places appointed for their residence,' has been since made perpetual, by a very small and imperceptible alteration in the words of the clause. When this liberty or power of quartering soldiers upon public houses, without the consent of the owner, was first asked, the parliament would have been amazed if it had been expressly asked, that soldiers should always be necessary inmates in public houses, that they should always have a lodging at free cost, even in the places appointed for their residence: such a proposal the parliament would then certainly have rejected with disdain. This the projectors were sensible of, and therefore they asked only for one or more nights upon a march, and for the first night only after their arrival at the place appointed for their residence; but as they had the drawing up of the Bill, and were resolved, if possible, to extend it further than was then desired, they took care that this restriction should not be inserted in express words, or in the proper place, but brought in as it were by head and shoulders, at the end of that clause which requires the justices to appoint rates for provisions.

By this means, Sir, our standing-army projectors at first obtained a liberty to quarter soldiers, by the interposition of the civil magistrate, upon public-houses, for one or more nights upon their march, and for the first night only in places ap-

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pointed for their residence; and a foundation for a temporary lodging at free cost being thus laid, when the mutiny act was revived in the first year of the late queen Anne, our army-projectors took care to lay a better foundation for rendering this temporary privilege perpetual, by requiring justice to appoint such reasonable rates for all necessary provisions for such officers and soldiers, for one or more nights in their marching through their cities, towns, and villages, 'as shall be appointed 'for their residence or quarters.' In this form this clause continued for several years; but at last it began to be conceived in these words, 'And the justices of the 'peace aforesaid are hereby empowered 'and required to set and appoint such rea-'sonable rates for all necessary provisions, 'for one or more nights, in the several 'places which soldiers shall come to in 'their march, or which shall be appointed 'for their residence and quarters;' in which words, or words to this effect, the clause had stood ever since. This, as appears, is but a very small variation from the clause, as it stood at first; and, I am persuaded, it was imperceptibly introduced, that is to say without being taken notice of by those who were the true and sincere friends of the people, and of the liberties of their country. The misfortune is, that those who are for keeping up standing-armies, have generally the drawing up of such bills; and this makes it easy for them to introduce, imperceptibly, very material and dangerous variations, when they are not most strictly looked after.

But this, Sir, is not the only misfortune: they have not only the drawing up of the bills, but they have the execution of them after they are passed into laws; and in the execution they put that interpretation upon them that best suits their own purposes, in which they are encouraged by a backwardness too common among private men, to contend with the government about the interpretation of a law, which probably was made obscure, on purpose to enable those entrusted with the executive power to carry it farther than was ever dreamed of, or would have been approved of by a majority of those entrusted with the legislative. Thus, though our army gentlemen had for several years no power, and for many years no express power, to quarter soldiers in the places appointed for their residence, except for the first night only after their arrival there, yet they introduced the custom of quartering soldiers even in the places appointed for their residence, and during the whole time of their residence; so that the quartering of soldiers, instead of being a temporary, became a perpetual burthen upon the public-houses in Westminster, and many other parts of the kingdom. And this custom being once introduced, they at last got a sort of legal authority for it, by getting a clause inserted in the Mutiny-bill, passed the 7th of the late queen, whereby it was enacted, "That the constables in Westminster and places adjacent, should billet soldiers of the foot-guards in such houses only as by the act are limited, in and about the city of Westminster, except the city of London." But this of quartering soldiers in the places appointed for, and during the whole time of their residence, was deemed to be such a grievance, that in the first year of the late king, and by the first Mutiny bill passed in his reign, a clause was inserted, by which it was enacted, "That nothing in that act should extend to compel the quartering of any foot soldiers in England, unless within ten miles of his majesty's usual residence, or the place where he should be present, or in some garrison where sufficient barracks were not provided, or upon their marches: and that in such marches no persons should be obliged to quarter them above six days at a time."

I have the more fully opened this affair to you, Sir, because when the present war is over, which, I fear, will not be soon, unless we pursue it with more vigour than we have done hitherto, or put an end to it by an inglorious peace, I hope we shall embrace the opportunity of returning, as near as possible, to our ancient constitution. We may think it necessary to keep up some regular troops in time of peace; but I can see no occasion we have for a Mutiny bill, unless when we are actually engaged in war. We kept up some regular troops even in the peaceable part of king William's reign, and those troops, so far as I could ever hear, were kept in good enough order without any Mutiny-bill; for from the 10th of April 1698, to the 20th of February 1701, when a war with France and Spain began to be thought unavoidable, we had no mutiny act subsisting in this kingdom; and I shall always be against having such law subsisting, except when absolutely necessary; because I do not like to make slaves of those in time of peace, to whom we are to trust our honour and our defence in time of war.

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Having thus given you my sentiments about the time for which soldiers may or ought to be quartered, before I come to the very point now in question, I shall beg leave to explain a little farther, how, and by what degrees the owners of public-houses were compelled to receive the soldiers quartered upon them by the civil magistrate. I have already taken notice, that when the quartering of soldiers upon such houses was first asked for, it was asked for as a liberty only, not as a power. The constables and magistrates were not empowered and required, it is said only, that they may quarter and billet officers and soldiers upon inns and other public-houses: nay, the constables and magistrates might have refused so to do: there was no law for punishing them for such refusal, till the first year of his late majesty's reign, when a new clause was inserted for that purpose. And as to the owners of public-houses, they were for many years left entirely at liberty, whether they should receive the soldiers so quartered upon them; for I know of no law that so much as seemed to oblige them to do so, till the tenth of the late queen Anne, and then this compulsatory clause was introduced but in a partial manner; for in that law a new clause was introduced, by which it was enacted, "That if any person should be aggrieved by a constable's billetting in his house a greater number of soldiers than he ought to bear in proportion to his neighbours, upon complaint to a justice of peace, that justice was to relieve him, by ordering so many of the soldiers to be removed and quartered upon some other persons, who shall be obliged to receive them accordingly."

This, I say, Sir, is the first clause I can find, in any of our mutiny-acts, that seems to oblige owners of public houses to receive any soldier so quartered upon them; but this foundation being once laid, a pretence has from thence been taken, to insert some new and general words in all our mutiny-bills of late years, by which it is enacted, "That the officers and soldiers so quartered and billetted as aforesaid, shall be received by the owners of the inns and other public houses;" and it is remarkable, that these words, which make so great an alteration in our law, were not formed into a clause by themselves, but were, as I may say, stolen into the beginning of that clause, which enacts, "That the soldiers shall pay reasonable prices for the provisions furnished them," &c.

You may now see, Sir, by what slow, what hidden, and what imperceptible degrees our mutiny-act is arrived to its present maturity and perfection; and now I must say, the finishing touch seems to be designed. Finishing I may call it, Sir, in a double sense; it will be the finishing touch to this Bill, and I am afraid, the finishing blow to the liberties of our country. Our soldiers, which I am sorry for, and which we may come heartily to repent of, if we should ever have occasion for their courage; our soldiers, I say, have long been made slaves by this Bill; and now, the owners of all the public houses in the kingdom are to be made the slaves of those slaves: For this will be the case, if we should by any express law oblige the owners of such houses to furnish the soldiers quartered upon them, with diet and small beer, whether they will, nay whether they can, or no.

Sir, it is, in my opinion, of very little signification to the present question, whether this was or was not the meaning of all or any of the mutiny bills we have passed into laws. I am very sure, I never thought it was; and if it were determined to be so, by the decree of any court of judicature in England, I should be for our taking the first opportunity to alter the law in this respect. But when we talk of the meaning and intention of such laws, we ought to distinguish between the meaning and intention of those that were the chief promoters of them, and the meaning and intention of those who only gave their consent to the passing of them. As to the former, I make no question, but it was their meaning and intention to oblige the owners of public-houses to furnish the soldiers with all necessary provisions, though they durst not declare their intentions in express words, because it would either have thrown out their bill, or have occasioned the inserting of some express words against what they intended: They therefore chose to draw up their bill in a dubious sort of expression, that after they had got it passed into a law, they might make the most of it in the execution; and, indeed, they made so good an use of their power in the execution, that the owners of most public-houses did agree to what they desired.

But in this, Sir, they were at first very much favoured by the circumstance of the times; because the nation being at that time engaged in a heavy and expensive war against France, the revolution in its

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infancy, and our public credit far from being so well established as it has been since; our government was often very short of money, and very dilatory in their payments to the army, especially to those regiments that remained within the kingdom, who were sometimes for several months together without receiving any pay; and when our soldiers had no money to purchase provisions for themselves, it became necessary to have them provided for by those upon whom they were quartered. It was, therefore, the public necessity that made the owners of public houses submit to the furnishing the soldiers with diet and small beer, and not any consciousness of their being obliged by law to do so; and for the same reason, the parliament, at that time, connived at the interpretation put upon the mutiny-act by those that had been the promoters of it: nay, in the year 1696-7, the parliament agreed to a clause, which seemed to confirm this interpretation; for it was then enacted, "That no inn-holder or other person should, during the continuance of that act, be obliged to provide meat or other victuals for any soldiers, legally quartered on them, except in their march only, if they should give or tender to each horseman 6*d.* per diem, for his subsistence in meat only, and to every dragoon and foot soldier 4d. per diem for the same, besides candle and the use of his fire for dressing his meat;" and by another clause in the same act it was provided "That inn-holders and others should furnish for every soldier, lawfully quartered upon them, lodging, small beer, and candle, with the use of fire to dress his meat by, and hay and straw to a light horseman, and 5*d.* per diem to a dragoon." But one may easily see, that these clauses proceeded from the necessities the public was that year reduced to, by reason of the clipped money having been called in to be recoined but the year before, and by reason of the vast expence this nation was at in supporting the war, which laid them under a necessity of paying 8 per cent. for money borrowed in that year; and this obliged the parliament to consent to this harsh and unequal method of providing for the immediate subsistence of the troops.

I am, therefore, very well convinced, Sir, that it was never the intention of the majority in parliament, to subject the owners of public-houses to the unequal and heavy burden of being obliged to furnish the soldiers, quartered upon them, with diet and small-beer, at a groat, or any other rate, per diem; and, I believe, no lawyer will say, that a man can be subjected to a penalty, or obligation, by inference from any words in a law that can admit of another interpretation. But whether or no the majority of parliament have been drawn in to do what they did not intend, as I am no lawyer, I shall not pretend to determine. I must be at least doubtful in my opinion; and I have a very good authority for being so; for in the affair at Ledbury, a very great lawyer, and one of the judges upon the assizes then holding there, I mean judge Comyns, was asked his opinion upon this very question, and he declared himself to be doubtful.

The argument, Sir, which has been drawn from the clause requiring justices to settle the price of provisions, is of very little force; for I do not think the justices had from thence any power to prescribe how much a soldier should eat, or to order that his landlord should furnish him with as much as he could eat for a groat, or at any lesser rate per diem; they were only to appoint and ascertain the prices of all necessary provisions, such as bread, small-beer, beef, mutton, butter, cheese, and the like, according to the market rates, at that time, and in that place: and this appointment of theirs, neither was, nor could be supposed to take place, but in cases where the soldier and his landlord could not agree between themselves. Their interposition was designed only, and could be designed for nothing else than to prevent disputes between soldiers and the persons upon whom they were quartered. And, surely, it would have been a very lame provision for paying, duly and justly, the quarters of the army, if the law had obliged an inn-keeper to furnish every soldier with as much as he could eat, and of what sort of provisions he pleased to insist on, without allowing him any more than a groat a day, even in the dearest times, and for the best sort of provisions.

To tell us, Sir, that the inn-keeper will always meet with redress from the commanding officer, in case a soldier insists upon too much, or too delicate fare, because the officer will thereby recommend himself to the government, is something very strange, because it may, in many cases, be directly otherwise: a regiment or two may be sent to correct an unruly county, city, or borough: a private hint may be given to the commanding officer, that this is the design of sending him there,

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and this design may be communicated to the soldiers. Must we not, in this case, suppose that the soldiers will make the most rigorous use of every right granted them by law? Can we suppose, that the commanding officer will be ready to hear or redress the complaints of the inhabitants? If he is, I am sure, we cannot suppose he will thereby recommend himself to the government. Such a case as this, Sir, may certainly happen; and we are not to suppose, that no such case ever did happen, because no such complaint had ever been brought to parliament. It is impossible, Sir, to prove the fact upon which such a complaint must be grounded. The true cause of sending a regiment to quarter upon a borough, may be suspected; it may be almost certainly guessed at; but ministers have so many reasons or pretences to allege for sending one or more regiments to any part of the kingdom, that it is impossible to prove they had no other reason but that of the borough's having sent two disagreeable faces to this assembly.

But suppose, Sir, that no such case could ever happen; and suppose that the officers of the army should always be ready to hear and redress every just complaint against the soldiers, or any soldier under their command; though I have a very good opinion of the justice, honour, and impartiality of the present officers of our army, yet, I shall never agree to a regulation that renders any part of the people liable to be oppressed by the soldiers, without any relief but from the commanding officer. I do not think, that the establishing of this regulation can be presumed to have been the intention of any parliament of Great Britain, unless we, at the same time, suppose that the majority of the parliament consisted of officers of the army, which is not to be supposed of any British parliament hitherto; though I do not know what may be the case hereafter, if a Bill several times proposed without success, should never meet with a better fate than it has done. If this, indeed, should happen, we may expect to see such a clause as this approved of, and another clause, which is the only one I can at present think of, that is wanting to make this Bill a complete system of slavery; I mean a clause for subjecting public-houses to severe penalties, if they do not furnish the soldiers quartered upon them, with convenient lodging and all necessary provisions.

Such a clause as this, I say, Sir, seems to be wanting; and if we agree to the clause now offered, I shall expect to see such a one as this offered in the very next session of parliament; for your obliging inn-keepers to receive soldiers, and to furnish them with diet and small beer, will not signify much, unless you subject them to penalties, or empower the soldiers to make distress and sale of their goods, if they do not.

I mention this, Sir, to shew you what this superlative care of the army must, at last, drive you to: but what must be the consequence? In a little time you will have no inns, ale-houses, or other public-houses in the kingdom: at least, not near sufficient for quartering your army; and then you must quarter your soldiers upon private houses, or build barracks for them. The latter, I confess, I should rather submit to, though I think the certain consequence of it, would, at last, be a military government; because it would, in a short time, render our army a sort of distinct people. Whilst our soldiers are quartered in the public-houses up and down the country, it preserves a correspondence, and an intimacy between them and the people: they often contract friendships together, which preserves in the army a regard for the people, and makes them look upon themselves as nothing more than fellow-subjects; but, if they should once come to be lodged in barracks, separate and distinct by themselves, they would soon begin to look upon themselves as sole masters: they would then break off all correspondence with, and lose all regard for the people; and would be the same, in every respect, with foreign troops. They would consider nothing but their pay and preferment in the army, and would be ready to obey the most illegal orders that could be given them by their commander in chief; the consequence of which would be, the establishment of a military government.

These, Sir, are consequences that are most justly to be dreaded from your agreeing to what is now proposed; but, on the other hand, what is the consequence we are threatened with? I am really surprised to hear it mentioned in this House. It is said, if you do not agree to some such clause as this, the army will mutiny. What, Sir, will the army mutiny, if you refuse them a liberty to oppress the people? When I hear this House threatened with such a consequence, I must say, it is high

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time for us to think of reducing our army, or of sending them, where they ought to have been sent long ago, abroad to fight our enemies, where they may gain both honour and wealth to themselves, and at the same time vindicate the honour of their country. It is a common failing of weak minds, and sometimes of weak ministers too, Sir, to avoid lesser evils by running themselves into greater, and rather than expose themselves to a small immediate danger, to run headlong into a danger which is much greater, but a little more remote: I wish this may not lately have been our case, with regard to foreign affairs; I am sure it would be our case, with respect to domestic, if, for fear of a mutiny in the army, we should give them a legal title to oppress the people, which would be the consequence of our agreeing to the clause proposed.

Mr. *Pelham*:

Sir; I was heartily sorry when I heard that any doubt or dispute had arisen, about the affair you have now under your consideration. I foresaw, that the discussion would be attended with great inconveniencies, and that it would have been much better, if the question had never been started. Whilst the inn-keeper thought he was obliged to furnish the soldier with diet and small-beer, and the soldier doubted if he was, it made both of them live easy with one another: the inn-keeper provided for the soldier the best he could afford for the money, because he thought himself obliged to do so; and the soldier often contented himself with the worse fare, rather than be obliged to take the trouble of providing for himself. But now the question is started, and especially as the opinion begins generally to prevail, that no inn-keeper, or other person upon whom soldiers may be lawfully quartered, is obliged to furnish the soldiers with any sort of provisions, I confess, I thought it would be absolutely necessary to put an end to the dispute by some such clause as my honourable friend has proposed. However, I must say, I now wish it had not been proposed, or the doubt so much as mentioned in this House, because the clause seems to give several gentlemen great apprehensions; and if the clause should be rejected, it will be interpreted by the whole nation, as the opinion of this House, that inn-keepers and others are not obliged to furnish any diet or small beer for the soldiers quartered upon them.

I shall not take up your time, Sir, with giving you my reasons, why I think otherwise; for as I do not pretend to be learned in the law, I cannot presume, that my opinion will have any weight, or that my reasons will be satisfactory: and, indeed, I think it below the dignity of this House to consider the point in this light, because, if the law were wrong, it is our business to rectify it; and if it should be law, but is not, it is our business to make it so. We are therefore to consider, whether it be in itself right or wrong, that inn-keepers, and others, upon whom soldiers may be lawfully quartered, should be obliged to furnish the soldiers, so quartered upon them, with diet and small beer at a groat a day, or such lesser rate as they shall agree on. In my opinion, it is right it should be so, and I have one very strong argument in my favour, which is almost forty years experience. Whatever the meaning of the law may be, it is very certain, that ever since the first Mutiny-act was passed, which is thirty-nine years ago, the opinion has generally prevailed, that the owners of public-houses were obliged to furnish the soldiers quartered upon them with diet and small beer: this, I say, has been the general opinion till very lately, and the law, in this sense, has been generally complied with. In all that time, it has never produced any inconveniencies, nor can the owners of such houses say they ever met with any oppression or exaction from the soldiers quartered upon them, but what was redressed by the officers, as soon as they heard of it.

The law therefore, Sir, during the time it has been interpreted in this sense, has produced no bad effect; but if it should be interpreted otherwise, as it will be, if you reject this clause, God knows, what ill effect it may produce. No inn-keeper, or other person, upon whom soldiers may be lawfully quartered, will think himself obliged to furnish any thing for the soldiers, even when they are upon a march; and consequently, no inn-keeper will furnish any thing, unless they agree to pay the price he pleases to demand. The justices may appoint prices, but what will that signify, if no man be obliged to furnish or sell to the soldier at that price? The march of a regiment, troop, or company will occasion a market or election-day at every country-town they pass through; the prices of all manner of provisions will rise to double what they are upon ordinary occasions; and if the soldiers will not, or can-

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not, which will be truly the case, pay those prices, no man will sell them any thing. Sir, it is easy to see what this must produce: the soldiers will not starve in a country where there is plenty; it is unreasonable to expect they should; and if they cannot pay the prices demanded, they will take what they want at their own price, perhaps without paying any price, because the crime will, in strict law, be the same: they will break open doors to come at it, or to search for it; and if such a body of men should once begin to think themselves criminal in the eye of the law, they will naturally and of course begin to think of destroying that law, which would destroy them; especially, as they will expect, and in such case might, probably meet with the support of the whole army.

These effects, Sir, are certainly to be apprehended, because, I think, they are the natural consequences of your altering the law, in this respect. I call it altering the law, because, if it was not law, it has at least been understood to be law for almost forty years past. If this was really the implied, though not expressed meaning of the law, surely no great inconvenience can arise from your making the law more explicit; if this was not the implied meaning of the law, I think, you ought now to make it the expressed meaning of the law, because the public safety requires it. Some method must be taken to provide for the soldiers: they must live, and they must live upon a groat a day, because they have no more to give. They must have necessary provisions at the prices they are able to pay for them, and they must have them at or about the places where they are quartered, because according to the rules of discipline in the army, they cannot go elsewhere to seek for them. If you oblige the owners of public-houses to furnish necessary provisions for the soldiers quartered upon them, at the prices the soldiers are able to pay, for at those prices they must furnish or not at all, you only make them a sort of purveyors for the army, which has never been thought a bad employment: they will generally have some days notice of a regiment, troop, or company's coming to be quartered upon them, and will take care to provide some days beforehand, when the markets are cheap, or they will send to the market-town in the neighbourhood where they can buy cheapest. They will always have many opportunities, and many methods of providing for the soldiers, at a cheaper rate than they can provide for themselves; and since they may so easily, and so certainly, provide for the soldiers quartered upon them, at such prices as the soldiers are able to pay, I cannot think there would be any great hardship in obliging them to do so.

The dangers from thence arising, and which have been set in so terrible a light by some gentlemen in this debate, are in my opinion, Sir, mere bugbears, created by the imagination only. It will very rarely happen, especially in places at any distance from London, that a soldier may not be plentifully furnished at the rate of a groat a day; and if any soldier should insist upon a greater quantity of victuals, or upon more delicate fare, than can be furnished at that price, he will not only be despised by his companions, but punished by his officer; for hitherto in the army, and, I hope, it will always be so, there is nothing reckoned more dishonourable and despicable than for a soldier to be troublesome and uneasy in his quarters, without any just cause; from whence, I believe, it would be a very dangerous project to send soldiers to quarter in a city or borough, with a private hint to be as oppressive as possible in their respective quarters, in order to punish a city or borough on account of an election. Thank God! the soldiers of our army would as yet despise such hints, and those that gave them: they would think themselves obliged in honour to discover the authors of such treasonable practices against the constitution of their country; and therefore, upon a complaint, it would be very easy for this House to find out and punish the authors: nay, as we are not tied down to the rules of evidence in Westminster hall, we might very probably, by proper sifting, come at the prime and orignal author.

For these reasons, Sir, I must think, that the dangers pretended to arise from our obliging the owners of public-houses to furnish diet and small beer for the soldiers quartered upon them, are all imaginary; but the dangers arising from our leaving the soldiers of our army unprovided for, and often without a possibility of providing for themselves, are far from being so. These dangers therefore must be guarded against: I should be glad to find some other expedient for avoiding these dangers; but if no other can be found, we must take what is now proposed. It is the business of every gentleman here, when any difficulty or danger occurs, to

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think of, and contrive such expedients as may be most effectual and most safe for his country; and yet there are some gentlemen in this House, who seem to behave in a very different manner: they are always starting objections against, and presaging dangers from every expedient they hear proposed, but never offer any proposal, any remedy or prevention, of their own. As these gentlemen seem to have a mighty fruitful invention, I wish they would apply it to the case now before us: I wish they would propose some other expedient for preventing the evil we are at present threatened with. If they do, I promise them, I shall give it a candid and impartial examination; and if I think it more effectual or more safe than what is now proposed, I shall certainly give it the preference.

Mr. *Alexander Hume Campbell:*

Sir; I shall not pretend to tell you what is now the law, with regard to the quartering of soldiers. I have carefully read over the act now subsisting for that purpose; but I must confess, I am a little doubtful in my opinion, and I have no reason to be ashamed of saying so, after so great a lawyer, as judge Comyns, declared himself doubtful, as an honourable gentleman has been pleased to inform us. I have a very great regard for the two learned gentlemen, who have given their opinions upon the question; but as I am conversant among lawyers, I have known lawyers give opinions in this House, which were contrary to the opinion of the most noted of the profession; and therefore, the opinions that have been given, can be no authority for declaring what is law at present.

The hon. gentleman who spoke last, Sir, has told us, that whatever may be the meaning of the law, it has for near forty years past been a prevailing opinion, that the owners of public-houses were by law obliged to furnish the soldiers quartered upon them, with diet and small beer. That this, Sir, has been the general practice, may be true; I believe the owners of such houses have generally done so; but this is no proof of its having been the general opinion, that they were by law obliged to do so. A man will submit to a small hardship, rather than contest a doubtful point in law; but when that hardship becomes grievous, he thinks it worth his while to contest it, rather than submit to it any longer. The doubt that has been lately started, does not, therefore, proceed from people's having altered their opinion, but from your having kept up such a numerous army for such a number of years. The people grew at last tired of submitting to a hardship, which they doubted if they were obliged to submit to, and which, instead of being removed or lightened, they found it to be growing almost every year more heavy than it was before.

This, Sir, is the true reason of the doubt that has been lately stated, in relation to the furnishing of soldiers with diet and small beer, or with hay and straw for their horses, at the prices allowed by the government; and we have now such a great number of land forces within the kingdom, that I am not at all surprized at the people's being generally resolved to have this question determined one way or other. What use was designed, or what use will be made of this great land army, I shall not pretend to guess; but I am afraid, no use, at least no military use, will be made of them. As we are in course to have next summer a new parliament chosen, the great augmentation we have made, and the expensive manner in which we have made that augmentation, gives occasion to very ugly suspicions. People know what an use may be made of commissions for officers to serve in the army, with regard to elections for members to serve in parliament: A commission, or the promise of a commission in the army, may engage a man and his friends to vote for a weak or wicked minister, who would otherwise most certainly vote against him: The terrors of having a regiment of foot, or a regiment of dragoons sent to quarter upon a borough, may engage the magistrates, some of whom are often inn-keepers, to vote for a court candidate, whose face they had never the pleasure to behold, in opposition to the most hospitable and honest gentleman in their neighbourhood.

These, Sir, are some of the illegal uses that may be made of an army; and every illegal use that can be made of an army, will receive new strength from the amendment now proposed. If you lay inn-keepers, and other owners of public-houses, under a legal obligation to furnish the soldiers with necessary provisions for themselves and horses, at certain rates to be appointed by law, as you cannot ascertain either the quantity or kind of such provisions, the owners of such houses will never be able to satisfy the soldiers quartered upon them. The soldier will insist upon having more for a groat, than the inn-keeper

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can buy for six-pence, which it must be allowed, would be a very great oppression upon the latter; and how is he to be relieved? Why, by the civility and good nature of the commanding officer. Sir, the officer may be good natured and humane, I believe many of them are so; but it is hardly possible to prevent a man's being a little partial to one of his own cloth; and therefore, I must think, a law for subjecting the people to such an oppression, without any other remedy, could neither be called good natured nor humane; especially if we consider, that when a regiment is sent to correct an obstinate borough or county, the commanding officer, without so much as a hint, will know, that his preferment depends upon his giving no ear to the complaints of the inhabitants.

Our passing such a law as this, at this time, will therefore very much increase those suspicions that have been already raised by the augmentation we have lately made to our army, and the expensive manner in which that augmentation has been made; and in these suspicions most people will be confirmed, if the greatest part of our army is not very soon sent out of the kingdom, to carry on with vigour the war we are now engaged in. If any thing like this be designed, we have no occasion for altering or explaining the law; because the people will then have but few soldiers quartered upon them, and will therefore continue to do, as they have done for almost forty years past. The owners of public-houses will continue to furnish the soldiers with necessary provision, when the soldier contents himself with such provisions, as his landlord can furnish at the price allowed by the government: nay, they will furnish the soldiers, I believe, with better provisions, and with more good-will, than they have done for twenty years past; for when a part of the army is employed in fighting victoriously, as I hope they will, against the enemies of their country, the name of a soldier will then again begin to be respected and beloved by the people.

This, Sir, will be the consequence of sending a great part of our army abroad to fight against the enemies of their country, instead of keeping them at home to oppress the people, and influence the next general elections. But really, Sir, the proposition now made to us gives me some reason to apprehend, that there is not so much as a design to send any great part of our army abroad; and this makes me the more unwilling to agree to what the hon. gentleman has been pleased to propose; for if such a number of regular forces be kept within the kingdom, but for a few years, and such a law as is now proposed kept in force, the number of public houses will decrease so much, that it will be impossible to find quarters for the army in such houses, and this will of course make barracks absolutely necessary, which will soon put an end to our happy constitution. We must always have in this kingdom a great number of travellers upon our public roads: If we had no trade, which may be the consequence of our late measures, if not soon altered, yet the very nature of our constitution occasions a greater number of travellers in this kingdom, than in any neighbouring country: The members both of this and the other House of Parliament must be accommodated with lodging and stabling, in their journies to and from parliament; but how shall they be accommodated, if every inn they come to be full of soldiers? Will they lie in the streets to make room for a lord or member of parliament? Will they be commonly civil to any traveller that comes to hamper them in their quarters? On the contrary, they do not always behave in the most civil manner to travellers, even of the first rank; for lately at North-Allerton they seized on and carried off a reverend prelate's dinner, upon pretence, that the landlord had not provided sufficiently for them. What redress the reverend prelate met with, or whether he applied for any, I do not know; but he could not recover his dinner: and this shews what inconveniences we, as well as other travellers, may be put to, if all the inns of any little town we may come to upon the road, should be so crammed with soldiers, as not to be able to furnish accommodation or entertainment for any traveller.

I shall grant, Sir, that whilst we keep such a numerous army within the kingdom, and continue the modern French practice of having some part of that army always marching and counter-marching from one end of the kingdom to the other, under pretence of what is called changing of garrisons: I say, whilst we do so, the soldiers may often be under great difficulties with regard to provisions, both upon their march, and in their settled quarters, unless we oblige their quarters to furnish them at such prices, as they can afford to pay; but the most proper expedient for avoiding this inconvenience, is, in my opinion, very

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obvious, which is, to send the greatest part of your army against the enemy in time of war, and never to keep a greater number of troops within the kingdom, than are absolutely necessary for the just ends of goverment. I will undertake, that when the people know, that any part of your army is marching through the kingdom, in order to go and fight the enemies of their country, they will freely and voluntarily furnish the soldiers with every thing necessary upon their march; but they are sensible of what is meant by changing of garrisons, which in absolute governments is intended chiefly to prevent the soldiers from acquiring any sort of attachment to the people amongst whom they live, and to make them look upon themselves, as a body of men quite distinct from the people, I cannot say, amongst whom they live, but amongst whom they sojourn; and therefore, the people of this kingdom most reasonably complain, and resent their being oppressed or incommoded with the marching or counter-marching of regular troops, when they know, or at least imagine it to be intended for such a dangerous and arbitrary purpose.

Having thus, Sir, mentioned one expedient, and I think the only proper expedient, for preventing the inconvenience complained of, I hope the hon. gentleman will not hereafter say, that there are any gentlemen in this House, who are always starting objections against every expedient they hear proposed, but never offer any remedy or prevention of their own. Gentlemen have reason to object against remedies that are apparently worse than the disease, especially when the true remedy is obvious; but as I am suspicious, that the remedy I have now offered will not be approved of by our chief state physicians, and am for seeing any remedy applied rather than that now proposed, I must observe, that another remedy has already been mentioned in this debate, which I think less oppressive than what is now proposed, and which I the rather approve of, because it was made use of soon after the Revolution. As that was a time, Sir, which I highly approve of, I am for going as near it as possible, and therefore, if we must keep up such a numerous standing-army as we have at present, and must keep them all at home too, I am for doing something like what was done in the year 1696-7. In that year, as an hon. gentleman has already told us, a clause was inserted in the Mutiny-act, by which it was provided, that no inn-holder should be obliged to provide victuals for any soldier, if he should give him 4*d.* a day, besides candle and the use of his fire for dressing his meat. As our army is now regularly paid, we have no occasion for obliging the inn-holders to advance any money to the soldiers quartered upon them, but if there be now an absolute necessity for any thing like what is now proposed, I think we ought to give an option to inn-holders, either to provide victuals for such soldiers, at the rate of 4*d.* a day, or otherwise to furnish them with lodging, candle, utensils for dressing their meat, and the use of their fire, for nothing.

Even this, Sir, will be a very great hardship upon the owners of our public-houses; but, I think, it will be a less hardship than that of subjecting them to the arbitrary demands of the soldiers quartered upon them, for what they may be pleased to call necessary provisions. How this expedient will do, or whether it may appear to be sufficient for removing the evil complained of, I do not know; but as it is a matter of the utmost importance, I think neither this, nor any other expedient ought to be rashly gone into; for which reason I think, we ought to take some days to consider of it, and for that purpose to adjourn the committee. There is no necessity for immediately commencing a law-suit, in order to determine the question lately started upon this subject. If the necessity for this determination cannot be removed, by a diminution of our army, I hope, we shall in this House fall upon some method for determining the question, without sending it into Westminster-hall; for though I belong to Westminster-hall, yet I shall always be against people's being brought there for deciding any question. I wish they were not so apt to come there, as I find they are; it might be a loss to me, but it would be a gain to the nation: and I shall never desire to increase my profits at the expence of my country.

Mr. *Winnington:*

Sir; we are now about reviving an expiring law: the meaning of that law, as it stands at present, appears to be doubtful, as has been acknowledged by most gentlemen who have spoke in this debate. Can it admit of a dispute, whether we ought to remove that doubt, by some explanatory words in the Bill now before us? Would it not be a most egregious solecism for a legislative assembly to enact a law

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which they know to be doubtful? Let us consider what a number of law-suits may be occasioned before this time twelvemonth. You cannot, at least you ought not, I think, to make a law with a retrospect, and therefore you cannot put an end to these law-suits, by any new law to be passed a year hence. Though you are the makers, yet you are not by our constitution the interpreters of the law: his majesty's judges in Westminster-hall are the interpreters; and they are sworn to give judgment in every case that comes before them, according to the laws which were in being when that case happened. Suppose now, you should put off the explaining of this law till next year, and 500 actions should before then be commenced upon the doubt now acknowledged to be in the law, the explanation you then put upon the law, would not put a stop to any of these law-suits; because the judges might be of opinion, that the words of the law could not bear the explanation you had put upon them by a new law. In all cases that might happen afterwards, they would be obliged to determine according to your explanation; but in cases that had before occurred, they would in conscience be obliged to determine according to their own opinion, even though contrary to what you, *ex post facto*, declared to be yours.

From hence, Sir, you may see, what a multitude of law-suits may be ocasioned, and what a monstrous expence may be brought upon the subject by your delaying to explain and remove the doubt that hath arisen, but for one year longer. Surely it is our duty to prevent law-suits, and to do so as soon as we can. The trade of a lawyer, no wise nation will ever encourage; and the trade too, of inn-keeping, ale-house keeping, or retailing of spirituous liquors, does not, I think, deserve all that regard which seems to be shewn to it in this debate. But should we suppose, that they will always be at a great loss by furnishing the soldiers quartered upon them with diet and small-beer, at the rate of 4*d.* a day, the loss will not fall upon them: for by the prices they charge they will oblige their other customers to make it good; and therefore, if this loss were to be looked on as a tax, it could not be considered as a partial, or unequal tax, but a tax laid upon the whole people; and it must either be no tax at all, or a tax as necessary as any one that was ever imposed.

Gentlemen may cry, how! how! and seem surprized at what I have said; but if they will have a little patience, I shall make it good. I repeat it again, Sir, that the obliging of inn-keepers, and such like, to furnish diet and small-beer to the soldiers quartered upon them, must either be no loss to, or tax upon them, or upon any one else, or otherwise it must be as necessary a tax as ever was imposed in this kingdom; and my reason for saying so is this: if provisions are so cheap, as they generally are, that an inn-keeper may furnish diet and small beer to the soldiers quartered upon him, for 4*d.* a day, and have a reasonable profit to himself, then the obliging him to do so, can be no tax upon him or any man else: on the other hand, if provisions should happen at any particular time, or in any particular place, to be so dear, that the inn-keeper cannot furnish diet and small-beer for the soldiers quartered upon him, at the rate of 4*d.* a day, I am very sure, the soldier will not be able to furnish diet and small-beer for himself at near that rate; because an inn-keeper who brews his own small-beer, and buys great quantities of meat at a time, will always be able to sell it at a much cheaper rate than the soldier can purchase it in the small quantities he has occasion for, or can afford to buy at a time. But the soldier has no more than 4*d.* a day to bestow upon himself for diet and small-beer, what then can he do? He must either starve or steal. The former we cannot suppose he will do; and if a great part of the army should be brought under the necessity of living by theft or plundering, not only our constitution, but the property of every man in the kingdom would then be in the utmost danger.

It has been said in this debate, that if our soldiers cannot live upon 4*d.* a day, we must augment their pay; but let us consider, Sir, that in most parts of the kingdom, and at most times, a soldier can live upon 4*d.* a day; and if it should be proposed to proportion their pay, according to the times, and according to the places in which they may be quartered, this cannot be done by parliament; it must be left to ministers, and this, in my opinion, would be a more extensive and a more dangerous power, than any now lodged in the crown. There is, therefore, no other way of subsisting your army, in time of scarcity, which is seldom general, and never lasts long, than by obliging the owners of public-houses to furnish them with diet and small beer, at such a rate as their pay

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will admit of. This I shall allow is, in times of scarcity, a sort of tax upon the owners of such houses, or rather, as I have said, upon their customers; but as there is no other way of subsisting your army, at such times, it is absolutely necessary, and will therefore, I hope, be always patiently submitted to.

As for the expedient found out in the year of 1696-7, it was then made use of, because our troops kept at home neither were, nor could be regularly paid; for surely, Sir, it will not be thought, that the soldier was to have 4*d.* a day from the inn-keeper, besides his pay from the government; but as the army is now regularly paid, both their subsistence money and arrears, we have no occasion for such an expedient; which will be far from removing the difficulty now under consideration; for it will signify nothing to provide fire and utensils for a soldier to dress his meat with, when he can get no meat to dress, or none at the price he is able to pay for it, which will often be the case upon a march, and therefore, in the year of 1696-7, the provision in favour of inn-holders was not extended to soldiers upon a march; nor ought it, I think, now to be extended to soldiers, even in the places where they are appointed to reside; because an inn-holder, alehouse-keeper, or victualler, can always furnish a soldier with diet and small beer at a cheaper rate than he can furnish himself. If he refuses to do so, it must proceed from mere obstinacy, or from an uncommon dearth of provisions: in the former case, he ought to be compelled; and in the latter, he must be compelled, because there is no other way of providing for the soldier's subsistence, and every gentleman will admit, that while we have soldiers, we must provide for their subsistence, in time of scarcity as well as in time of plenty. In times of scarcity it may be a loss to the inn-keeper, but, like many others, it is a loss which, for the sake of the public, must necessarily attend the business he follows, and at no time it can be a hardship, because, as the soldier is subject to martial law, that law will always make him not only reasonable, but civil in his quarters.

Mr. *Bramstone:*

Sir; I am surprised to hear gentlemen so much as suppose, that any multitude of law-suits can ensue from leaving this act in the very words it stands at present, and has stood for some years. For my own part, I do not pretend to any deep learning in the law, especially in the practical part of it; and therefore I should be glad to know, from some of those gentlemen who make that study their profession, how any more than one law-suit could be the consequence of our not explaining that part of this law, which is now said to be doubtful. If any suit be commenced for having this question determined, it must be brought, either by the government, by way of information, or by a soldier, by way of action of the case upon the statute, against an inn-keeper who had refused to furnish him with diet and small beer, at the rate of 4*d.* a day; and can we suppose, that our government, or rather our most excellent ministers, would be so vexatious, as to bring several informations, or to allow the soldiers to bring several actions, when one would be as sufficient as five hundred, for deciding the question in dispute, and for preventing all farther doubt. Whatever opinion the hon. gentleman who spoke last may have of our ministers, I am far from having so bad an opinion of them; and therefore, if we should leave this question undecided, and the army should insist upon its being decided by a suit at law, I am convinced, no more than one law-suit could from thence ensue; and the event of that suit, I believe, our inn-keepers have no reason to be afraid of, because I cannot think, that a law, which simply obliges me to receive a man into my house, can be supposed by an impartial man in the kingdom to mean, that I should be obliged likewise to maintain him.

But, Sir, if it should be determined otherwise; if our judges should be of opinion, that the law, as it now stands, obliges inn-keepers and others to furnish the soldiers quartered upon them, with diet and small beer, at the rate of 4*d.* a day, I should then be for altering the law as soon as possible; because, I think, it would lay a most grievous tax upon the owners of all our public-houses, a tax which they could not recover from their customers, and a tax which I think absolutely unnecessary. The furnishing of soldiers with lodging and house-room is of itself so troublesome to inn-keepers, that many of them give the soldiers a shilling or eighteen-pence a week, to be entirely rid of their company; and if you should further oblige inn-keepers to furnish the soldiers with diet and small beer, I am persuaded, most of our inns would be glad to give the soldiers half a crown or three shillings a week, to provide themselves somewhere else, rather

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than have customers and travellers banished away from their house, by seeing it always full of soldiers.

This, Sir, will be a most insufferable burden upon all public-houses; and to suppose, that this loss would be made good by their raising their prices to their customers, is supposing against reason and experience: they cannot raise the price of any liquors they sell, which is the principal part of their profits; and if they should make them worse, no man would come to purchase or drink them. Even as to eatables, the market price is so well known, that they would be looked upon as extortioners, if they demanded a greater profit than usual, which would of course make all their customers forsake the house; and I believe it will not be said, that, even in the times of the greatest plenty, a public-house could support itself upon the profits made by the soldiers quartered upon it.

Now, Sir, with regard to the necessity of imposing this burden or tax upon the owners of those houses, where soldiers are by law allowed to be quartered, the hon. gentleman has, I think, given us but two reasons for it, and both of them I take to be without foundation. He says, that the owners of such houses may buy cheaper than soldiers can: is there any foundation for saying so? May not a soldier buy as cheap at market as his landlord can? And when five or six of them join together, as they usually do, may not they buy as large a joint of meat, or as great a quantity of provisions, as a common housekeeper does for his family? Sir, they will buy cheaper for themselves, than their landlord can for them; we know what a difference there is between the prices of different joints of the same sort of meat, or between the several species of the same kind of provisions. When soldiers buy for themselves, they will be contented with the coarsest and cheapest sort; when their landlord buys for them, they will insist upon having the finest and dearest.

The other reason assigned by the hon. gentleman for the necessity he pleads for, is, that in times of scarcity, a soldier cannot subsist upon 4*d.* a day, and must therefore be subsisted by his landlord at that price, because he can afford no more. Both these facts, Sir, I deny. There has never been, that I know of, such a scarcity in England, as to make it impossible for a man to subsist upon 4*d.* a day, if he contented himself with the coarsest sort of provisions; but the truth of the matter, I believe, is, the hon. gentleman and his friends have a mind, that in times of scarcity soldiers should feed as delicately, and fare as well, as they can do in times of the greatest plenty; whereas I am for their being made sensible of the distresses of their country. I likewise deny, Sir, that a soldier can afford no more than 4*d.* a day for diet and small-beer. It is very well known, that the soldiers in our marching regiments are paid 6*d.* a day by the government; and why 2*d.* a day should be with-held from a poor soldier's pay, I can find no reason, unless it be, that the colonel should make such a profitable contract, as to get 1,000 or 1,500*l.* by cloathing his regiment, and that all the poor fellows should appear clean shaved, and well powdered at a review. For my part, I think a man without any powder in his hair, and even with a long beard, may look as like a soldier, and do his business as well, as a man with a smock face, and powdered locks; and therefore I must think, that, of late years, our army has been designed rather to kill the ladies, than to kill the enemies of their country: for this reason, I am of opinion, that if our soldiers were put to no greater expence than is absolutely necessary for their appearing like soldiers, and not like beaus, a soldier even of a marching regiment might spare 5*d.* a day for diet and small-beer; and with respect to the soldiers of the foot guards, as they are paid 8*d.* a day by the government, I am surprised to hear it so much as insinuated, that they cannot spare above 4*d.* a day for diet and small beer; yet no difference is, I find, to be made between the soldiers of marching regiments, and those of the foot guards, though the latter can certainly afford to pay more for diet and small beer than the former; and though the latter are generally quartered in Westminster, and about London, where house rent and provisions are always dearer than in country places, or cities remote from London.

Thus, Sir, I hope I have shewn, that, by the clause now offered, a most heavy additional tax would be laid upon the owners of our public-houses: that it is a tax which they could not oblige their customers to bear any part of; and that it is a most unnecessary tax, because soldiers may provide for themselves not only in times of plenty, but even in times of scarcity, unless that scarcity should be so very extraordinary, as has seldom or never happened, and ought not therefore to be made a foundation for a ge-

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neral and standing regulation, which will at all times be a grievance upon a great part of the people, and which may probably diminish the number of our public-houses, so as to make the building of barracks, or the quartering soldiers upon private houses, absolutely necessary.

Mr. *Cocks:*

Sir; as most of the arguments made use of against the clause, now offered to you, have been founded upon a supposition, that the law, as it stands at present, does not oblige inn-keepers and others, upon whom soldiers may be lawfully quartered, to furnish them with diet and small-beer, I shall beg leave to shew you, that the law is otherwise, and that what is now offered, is nothing but an explanation and enforcement of what has been law ever since we had such an act as a mutiny-act in this kingdom.

Sir, in order to find out the meaning of the law as it now stands, we must not look to the clause for obliging the owners of public-houses to receive the soldiers lawfully quartered upon them, because that clause was but lately introduced, and must be explained by the other clauses in the bill; but we must consider what was anciently meant by the term quartering; and if we consider what was anciently meant by quartering, we must conclude, that the owners of private houses, as well as public, were obliged to furnish the soldiers quartered upon them with every thing necessary, according to those rules which were prescribed by the commanders of the troops so quartered. Before the Restoration, we had no such thing as an army, or any regular troops, but in time of war; and then, I believe, it will be allowed, that the commanders were the only judges, how their soldiers were to be treated by those upon whom they were quartered. If they had ready money wherewithal to pay their soldiers, they generally ordered them to pay ready money for what they had; but if they could not pay their soldiers, the persons upon whom they were quartered were then obliged to furnish them, not only with lodging, but also with diet and small-beer, and to bring their accounts in to the public, in order to receive satisfaction. This was the practice in time of war, before the Restoration: but as we began soon after that period to keep regular troops in continual pay, and as the officers of these troops began to practise in time of peace, what had been formerly practised in time of war, therefore, towards the latter end of king Charles 2nd's reign, that law which has been mentioned was made, by which it was enacted, "That soldiers should not be quartered upon any house whatsoever, without the consent of the owner." From the Revolution to the year 1692, the nation was in a state of war and probably this law was not observed; but the tranquillity of the nation being entirely restored, a new law was made for regulating the quartering of soldiers, and for confining it within certain legal bounds, without leaving it to the discretion of any military officer whatsoever.

By that law, Sir, the constable and other civil officers were empowered to quarter or billet soldiers upon public-houses, and upon them only, and therefore had the same power granted them by law, which the commanding officers of the troops had formerly assumed against law; that is to say, by their billeting of soldiers upon public-houses, they gave them a right to insist not only upon lodging, but upon diet and small-beer, for what they could afford for it out of their pay; and if they received no pay, then the houses upon which they were quartered were to keep an account, and to bring their accounts in to the public, in order to receive satisfaction; and to prevent all disputes between the soldiers and their landlords, the justices of the peace were ordered and empowered to settle the rates of all such provisions, as were furnished by the landlords. That this was the meaning of those, who first gave the constables a legal power to quarter soldiers; that by quartering they intended, that soldiers should have entertainment, as well as lodging, at the houses where they were so quartered, is, I think, plain, from their limiting that power to public-houses only; for if they had intended, that soldiers should have nothing but lodging, at the house where they were quartered, they would certainly have given the constable power to quarter soldiers upon all houses that let lodgings, as well as upon inn-keepers, victuallers, and other such houses. And the clause inserted in the mutiny act, passed in the year 1696, makes it evident, that it was then supposed that the owners of public-houses were by the law, as it stood before, obliged to furnish the soldiers with diet and small-beer; for if this had not been supposed, there would have been no occasion for inserting a clause, "That inn-keepers should not be obliged to provide meat, or any other

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victuals, for any soldier legally quartered upon them, if they should give or tender to such soldiers 4*d.* a day for their subsistence in meat only, besides candle, and the use of their fire for dressing meat."

How that 4*d.* a day was to be repaid to the inn-keepers, who did advance it to the soldiers, I do not know: for there is no clause in the act for ordering or regulating the re-payment of it; but even suppose it was duly and regularly repaid, it was harder upon the inn-keepers, than what is now proposed; and yet I never heard, that it diminished the number of our public-houses, or that any inn-keeper or victualler gave up his business upon that account; and therefore, if the same clause were to be revived, we should have no reason to apprehend any such consequence from it. But, as our army is now regularly paid, we have no occasion to oblige the owners of public-houses to advance any money to the soldiers quartered upon them, or to give any long credit to such soldiers. They are now, they have for several years been obliged to receive the soldiers lawfully quartered upon them. In this clause, the word 'receive' must certainly relate to, and be explained by the word 'quartered;' and if by quartering be meant the furnishing of a soldier with diet and small-beer, as well as lodging, the owners of the houses where soldiers are lawfully quartered, are already by law obliged to do so. In this sense the law has been always, till very lately, interpreted; it has for many years been the custom to furnish the soldiers with diet and small-beer, as well as lodging, at the houses where they are quartered, and at such rates as they were able to pay. This, I say, has for many years been a continued custom; and a custom founded on law makes law: at least, custom is the best interpreter of law, and sometimes puts a meaning upon the words of a law different from what at first view they seem to bear.

This being the case, Sir, what are we now to do? We are not to alter the law, or to establish any new regulation; we are only to explain and enforce what has been law, for almost these forty years; and this we are obliged to do, by a doubt which some people have been lately pleased to raise, I think, without any foundation, in order to prevent people's exposing themselves to law-suits and penalties; for by the law, as it stands now, the owner of a public-house that refuses to receive any soldier lawfully quartered upon him, is to be fined by the justices, in a sum not exceeding 5*l.* nor under 40*s.* and consequently, if by receiving be meant the furnishing of such soldier with lodging, diet and small-beer, at 4*d.* a day, every inn-keeper that shall refuse to do so, subjects himself to that penalty, and the justices must fine him, if the soldier or any other person comes to make the complaint.

I shall grant, Sir, that this doubt, which has been so groundlessly raised, might be determined by one single law-suit; but, in the mean time, a great number of people would subject themselves to the penalties of the law, and the determination of the question in dispute would not free them from those penalties, but on the contrary would encourage people to prosecute. Suppose a law-suit were commenced against some inn-keeper that had refused to furnish the soldiers, lawfully quartered upon him, with diet and small-beer at a groat a day; that law suit could not in several months be brought to a conclusion; in the mean time many other inn-keepers would refuse in the same manner; for most men are apt to think themselves in the right, and to hope that the question in dispute will be determined in their favour. Then, suppose that, upon the event of this law-suit, it should be determined, that inn-keepers and others are by the law, as it stands at present, obliged to furnish the soldiers, lawfully quartered upon them, with diet and small-beer at 4*d.* a day, and that every man who refuses, subjects himself to the penalty of the law, which, as I have said, is a fine to be imposed by any one justice of the peace, before whom the complaint is made, of 40*s.* or some greater sum not exceeding 5*l.* In this case, every inn-keeper who, during the controversy, had refused to furnish the soldiers lawfully quartered upon him, with diet and small-beer, would be liable to the penalty, and to be prosecuted for it before the next justice of peace.

We may from hence see, Sir, what a number of prosecutions this would occasion; for, as this complaint might be made either by the soldier, or by any other person whatsoever; and as the justice of peace, upon a full proof, must fine in at least 40*s.* a prosecution would certainly be brought against every man that had incurred the penalty, either by the soldier that had been refused what he had by law a right to demand, or by some envious neighbour, or rival tradesman. I therefore think, that what is now offered can-

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not in charity be refused, in order to prevent people's exposing themselves to penalties, which in my opinion, would certainly be recovered against them.

Sir *John Barnard:*

Sir; the hon. gentlemen who have appeared as advocates for this clause, seem to shew a great concern for preventing the people's involving themselves in law-suits; and I must say, they are taking a very effectual method for doing it; for if what they propose should pass into a law, the people that are to be affected by it will soon have nothing to contend for, which, I shall grant, is a most effectual method for preventing their being involved in any law-suit whatever. When the people are utterly undone, I shall admit, that this clause will have the effect of preventing their being afterwards involved in any law-suit; but till then it will have a quite contrary effect; but if you oblige the owners of public-houses to furnish the soldiers quartered upon them with reasonable provisions, or with diet and small-beer, under any penalty to be recovered before one or more justices of the peace, there will be perpetual disputes between them about what is called reasonable provisions, or reasonable diet and small-beer. The soldier will carry his complaint before some justice whom he knows to be in his interest: the justice will probably fine the landlord; and the latter will certainly seek relief against what he thinks an unjust sentence, either by appeal to the quarter sessions, or some more expensive method. Thus, Sir, the owners of our public-houses will at last be eat up, either by the soldiers or the lawyers; and till then, the clause now proposed will create, instead of preventing law-suits.

This, Sir, will certainly be the consequence, if you lay inn-keepers and others under an express obligation to furnish the soldiers quartered upon them with diet and small-beer at 4*d.* a day. Without any such obligation they will always do so, when the soldiers are contented with what can be furnished at that price; they will even furnish a little more, or better than what can be afforded at that price, in order to make the soldiers easy in their quarters; and the soldier will be satisfied with what his landlord provides for him, because he knows his landlord lies under no obligation to provide for him, and that he cannot provide for himself so well; but if you lay the landlord under an express obligation, he will never be able to satisfy the soldiers quartered upon him, unless he ruins himself by providing for them a great deal better than can be afforded for the price they are able to pay. If he does not, there will be continual complaints against him, and thus he must be ruined either by giving the soldiers much more than he can afford, in order to prevent their complaints, or by giving his money to lawyers for defending him against these complaints. It cannot therefore be said, that this clause is calculated for preventing law-suits, and it is something very strange to say, that what is now proposed is not so great a hardship as the clause enacted in the year 1696-7. I hope the learned gentleman does not think, that the money then advanced by inn-keepers was never repaid: if this be insisted on, the whole act must be read, in order to see whether there was any, and what provision for the repayment of that money; but it will not, I believe, be insisted on: the whole was certainly repaid by the government as soon as possible, and deducted out of the pay due to the respective regiments. By that law, therefore, the landlord only lay out of his money for a short while, but lost no part of the principal: by what is now proposed, he is to be obliged to furnish provisions to the soldiers for 4*d.* a day, which cost him perhaps 6*d.* or 8*d.* so that he will certainly lose 50 or 100 per cent. of his principal money; and that without so much as a hope of reaping the least advantage. Can this, Sir, be said to be the least hardship? Is it possible for any man to think so?

I shall grant, Sir, that inn-keepers have generally provided for the soldiers quartered upon them, at such prices as they were able to pay; but I was surprized to hear the learned gentleman say, that this practice made law. The practice in courts of record may sometimes make law: I know it is generally looked upon as such when it has continued the same for a very long time; but will it be said, that the practice between a landlord and his soldier can ever make law? It is at present a practice, and it has long been a custom in Southwark, among those who keep livery stables, to give the dragoons quartered upon them so much a week to provide stabling for their horses somewhere else. Will any one say, that this practice has made law, or that the owners of these stables are now obliged to do so? The furnishing of soldiers with diet and small-

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beer has been practised by the inn-keepers, because they were able to do so; but by this clause you will put an end to the practice, because you will render it impossible for them to do so without ruining themselves.

I do not pretend, Sir, to be a lawyer, but I have conversed with some that are, and from them I have often heard, that penal statutes are to be strictly interpreted: if so, I am sure no court in the kingdom would think itself empowered to fine an inn-keeper, for not furnishing diet and small-beer to the soldiers quartered in his house, by virtue of that clause which inflicts a penalty upon those that shall refuse to receive a soldier lawfully quartered or billetted upon him. Even suppose it should be hereafter determined, upon the event of a law-suit, that receiving means furnishing with diet and small-beer, which I am persuaded it never will, yet no judge, I believe, would venture to fine a man upon such a forced and far-fetched construction, especially if the refusal had preceded that construction's being put upon the word by any proper authority. We have therefore no cause to fear, that a multiplicity of law-suits or prosecutions will be the consequence of our refusing the clause now offered; and if the law should be left standing as it is at present, I believe, the inn-keepers have as little reason to fear, that, upon the event of a law-suit, the question will be determined against them. But if it should, it would then be high time to alter the law: for it would certainly be very hard to give the soldier a power of obliging his landlord to furnish him at 4*d.* a day when provisions happen to be dear, and a liberty to furnish himself when provisions happen to be cheap.

I shall admit, Sir, that it may sometimes be very hard for soldiers to live upon 4*d.* a day, and, as things are managed, I believe, they have very little more to spend. At such times they must content themselves with coarse fare. But at all times they may subsist upon 4*d.* a day. They generally do at a much cheaper rate, because half a dozen or a dozen of them usually mess together, and buy large quantities of provisions at a time. The marines did so at Southampton; and there, I know, they subsisted themselves plentifully for less than 4*d.* a day, though that country is far from being the cheapest in this kingdom, nor was that a time of any extraordinary plenty. I can therefore see no necessity for the clause proposed, which I take to be a new and a very extraordinary regulation; and as I think it would subject the public-houses in the kingdom to great hardships, and might be made a handle for destroying the liberties of the people, I must give my negative to its being made a part of this Bill.

General *Wade:*

Sir; as I was in the service in king William's reign, and very well remember the circumstances the army was in when the Mutiny act, which has been so often mentioned in this debate, was passed, I think it incumbent upon me to give you the reason for inserting that clause, which gave an option to inn-keepers to furnish the soldiers quartered upon them, with diet and small-beer, or to pay them 4*d.* a day. In that reign, Sir, the government was far from being so flush of money as it has been since. The Revolution being in its infancy, there was but very little public credit; for people had not forgot the shutting up of the exchequer in king Charles's reign; and therefore, even after the parliament had granted a fund, it was very difficult to borrow money upon it, so that the government was very often without money, and our troops here at home were sometimes for several months without pay. I remember the regiment I was in was called up to London upon the Assassination Plot in the year 1696, when we had been for eight months without any pay, and at last we were paid in exchequer bills, which it was very difficult to get changed into money, in order to divide it among the soldiers.

I do not know, Sir, what the meaning of the law was at that time, or what it is now, for the clauses relating to the quartering of soldiers are now pretty much the same they were then; but I very well remember that the houses upon which we were quartered, never refused to furnish the soldiers with diet and small-beer, and it was then absolutely necessary they should do so, because the soldiers, and even many of the officers, had no money to go to market with, and could not therefore provide for themselves. But as many of the inn-holders found great inconveniencies in furnishing and dressing victuals for the soldiers, especially when they had their houses crowded with other company, and as this occasioned some murmuring, the parliament resolved to give them all possible relief, and for this purpose that clause

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was inserted, which gave an option to the inn-holder, either to provide victuals for the soldiers, or to give them 4*d.* a day to provide for themselves. If they furnished victuals they brought in each respective man's account; if they gave money, they brought in an account of what they had advanced, and to whom; all which accounts were settled by the commanding officer, before the regiment, troop, or company left the place where they quartered, and these accounts became a debt upon the government, and were reckoned as part of the regiment's pay. But it cannot be said that the inn-holders lost nothing by this method; for the money they advanced was sometimes a long while before it was repaid; and as the poor inn-holders could not always wait so long for their payment, they were often obliged to sell their demands upon the government at a very great discount, which is far from being the case at present.

Having thus, Sir, given you an account of the circumstances of the army, and of the practice in king William's time, I must desire, that gentlemen would consider what an inconvenience would ensue if it should be supposed, that no inn-keeper is obliged to furnish diet and small-beer to the soldiers quartered upon him, and if, at the same time, we should, by any misfortune or accident, be reduced to the circumstances we were in during king William's reign: in that reign, if inn-keepers had supposed they were not obliged to furnish the soldiers with any thing but house-room and a bed, I am sure, the troops, kept here at home, must either have starved, or lived by plunder; and as public credit is of a very precarious nature, we should be extremely cautious of establishing or propagating any maxim that would be attended with great inconveniences, and even danger, in case our public credit should fail so, as to make it impossible for our government to pay the troops kept at home punctually and regularly.

What the lawyers may mean, Sir, by quarters, I am no judge of; but among soldiers we generally mean by quarters, the place where we are to have both bed and board for our money, in case we find it necessary to insist upon having both; and when we are sent to live upon any country, without being obliged to pay money for what we have, we call it free quarters, which is certainly a very great oppression, and is seldom practised, but in an enemy's country; but I cannot think it any great oppression to oblige those, who keep houses of entertainment, to entertain soldiers, upon their paying duly for what they have; it is really absolutely necessary upon many occasions, because soldiers are often quartered round a country, so that many of them are far from any market town; and as they must be always at their quarters, and ready at a call, it is impossible for them to repair daily to the next market-town, to buy provisions for themselves. Upon a march too, it will often be impossible for the soldiers to provide for themselves; and therefore, the providing for soldiers upon a march, was made an exception to the option allowed to inn-keepers by the law in 1696.

As to the inconveniencies and dangers we have been frightened with in this debate, they do not at all affect me, because I take them to be all chimerical. Even barracks, which are here made such a bugbear of, are not in the least frightful to me, though I have as great a regard for the liberties of my country as any gentleman in this House. I could never yet conceive how barracks can be thought inconsistent with the liberties of the people; for an army of true English will never be dangerous to liberty, whether in quarters or in barracks; and an army of foreigners would be as dangerous to liberty in quarters as they could be in barracks. The only difference is, that an army in quarters is much more inconvenient and troublesome to the people, and the soldiers not so easily kept to their duty, as when they are in barracks; and therefore, not only as a friend to discipline in the army, but as a friend to the people, I should chuse to have our troops always lodged in barracks, when there is no occasion for having them in a camp. But the people of this kingdom have been taught to associate the idea of barracks and slavery so close together, that, like darkness and the devil, though there be no manner of connexion between them, yet they cannot separate them, nor think of the one without thinking at the same time of the other. In Ireland it was the same, when barracks were first erected there: the people considered barracks as the most hideous things that could be thought of; they imagined they were all to be downright slaves as soon as these barracks were erected; yet now, they are perfectly reconciled to them, because they find they are rather more free than they were be-

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fore, and the troops much less troublesome to them. And if barracks were erected in this kingdom, I am convinced the consequence would be the same: the people might be startled a little at first; but they would soon find themselves as free as before, and much less incumbered with soldiers than they were when the army was quartered upon them; and they would from thence learn to separate those two ideas which are now, without any reason so closely connected in their minds.

For this reason, Sir, if the building of barracks should be the effect of what is now proposed, I should think it no bad effect: I am persuaded the people would find it a very good one. But, till barracks are built, the soldiers must be quartered, and as it often happens, and whilst they are in quarters must often happen, to be impossible for them to provide for themselves, they must be provided for by those upon whom they are quartered, at such prices as they are able to pay. If they should demand a greater quantity, or a better sort of victuals than can be afforded for what they are able to pay, the landlord is not obliged to comply with their demands, nor is the soldier, or his officer, but the civil magistrate, to be the judge; because if the soldier should think himself not sufficiently supplied by his landlord, he has no redress but by a complaint to the neighbouring justices of peace, and they only are to be judges between him and his landlord. From hence, I think, it is evident, that this clause can be attended with no oppression, extortion, or exaction; and as it is in many cases absolutely necessary, I therefore hope it will be agreed to.

Mr. *Pulteney*:

Sir; we are obliged to the hon. gentleman for explaining to us the meaning and the reason of the clause in king William's time, whereby landlords were obliged to furnish the soldiers with meat and other victuals, or to give them 4*d.* a day to furnish themselves. The necessities of our government, the barrenness of our exchequer, the low state of public credit, made it absolutely necessary for our parliament at that time to agree to such an oppressive expedient: But that very expedient shews, that we ought not to agree to what is now proposed; it shews that when soldiers have ready money, they may provide for themselves; and therefore, now they have ready money, we ought not to oblige their landlords to provide for them. We may, it is true, Sir, be again reduced to the same necessities we laboured under in king William's reign: a wasteful minister, who thinks of nothing but the period of his own administration, may sweep the exchequer clean; and if we take no care to pay off in time of peace, the debts we are obliged to contract in time of war, our public credit must at last sink as low as ever. If ministers in time of peace convert to the current service, those funds that were set apart for paying off our debts, in order to conceal from the people their prodigality, or the needless expences they put the nation to, people will begin to foresee the distress we must be drove to as soon as a heavy war happens; and those that are wise, will begin in time to draw their fortunes out of our public funds. This will diminish by degrees our public credit, and at last, when we have the greatest occasion for it, we shall probably have none left. These fatal circumstances we should take care to prevent by our good conduct; but surely, the danger of our falling into these circumstances can be no reason for subjecting any part of the people to such hardships, as can be justified by nothing but such necessities.

I say, Sir, such hardships as can be justified by nothing but such necessities: But in the present case I must go farther; I must say, that what is now proposed, can be justified by no necessity. It is a hardship to oblige a free-born subject to receive a lodger into his house, whether he will or no; but it is an insufferable hardship to oblige him to provide and dress victuals for his lodger, whether he will or no, and at a price too, which he does not approve of. This, Sir, is a hardship, which the parliament would not, we find, agree to, even in the year 1696, notwithstanding the necessities our government was then under; and the exception then made, with regard to soldiers upon a march, was not because the soldiers could not provide for themselves, if they had been furnished with ready money, but because they were to breakfast at one place, dine at another, and sup at a third, and the proportion to be advanced in ready money for each meal rather than furnish them with it, could not be adjusted by parliament.

But this of providing and dressing victuals for the soldiers, we are told, cannot be supposed to be a hardship, because it has been practised, and inn-keepers have submitted to it for forty years past. Sir,

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whilst we had but 10 or 12,000 men of regular troops in the kingdom, most of our inn-keepers submitted willingly to this hardship because they were but seldom exposed to it, and when they happened to be so, they could bear the expence and trouble, because they had but few soldiers quartered upon them; but now we have near 40,000 regular troops within the kingdom, the hardship is so frequent and so heavy, that it is impossible for them to bear it. The most proper method, therefore, for having this practice continued, is to diminish the number of your troops kept at home, and this, I hope, will very soon be done; for if this war continues, I hope a great part of our land-army will be sent out to attack the enemy; and if the war should be ended by an honourable treaty, for by no other sort of treaty it can be ended, however it may be suspended, I hope his majesty, out of his paternal affection to his people, will disband a great part of his army, even though the parliament should not desire it; for I little expect, in my time, to see a parliament desiring any thing that may seem to be disagreeable to a minister.

The practice in times past is therefore, Sir, no proof, that the providing and dressing victuals for the soldiers is no hardship upon those, who submitted to it, whilst it was no heavier than they could bear; and as little is it a proof, that the meaning of the law is such, as a learned gentleman has been pleased to represent; or that the obliging inn-keepers by law to do what they have done without law, would be attended with no inconvenience. It is this very thing, that has made it possible for them to do so. It is their not being obliged to provide victuals for the soldiers quartered upon them, that has enabled them to provide; because the soldiers contented themselves with a little more than they could afford for the money: if you lay them under a legal obligation to do so, the soldiers will not be so easily satisfied. They are not now easily satisfied: I myself saw once in travelling, a very good dinner dressing at an inn in the country, which, I was told, was for five or six dragoons quartered there; I thought it sufficient for much better company, and yet the dragoons, I was told, were not satisfied with it. They do not always complain, when they are not pleased; but they grow mischievous, they cut the linen, mangle the plates and the dishes, and play many other tricks by which the landlord suffers: these tricks they would practise in a more extravagant degree, and much oftener, if you should agree to this clause. They would not go to a justice to complain for want of victuals; but by such methods they would force their landlord to complain of them, and he could complain to none but their officers. Whilst they know, that their landlord is not obliged to furnish them victuals, they will generally keep within some bounds; but if you remove this check, they will exceed all, which will of course raise such discontents, as may endanger our government.

As I am a friend to our present establishment, I shall be for any expedient, which I think the subject can bear: as such, I shall always be for preventing, as much as possible, any occasion for mutiny in the army, or for discontents among the people; but I shall never be for raising the latter for the sake of preventing the former, because it will endanger our present happy establishment, or nail down upon us a numerous standing-army. Let us consider, Sir, that we are not now upon a bill for raising money for the public service: against such bills, I think, you have laid it down as a rule, that no petitions are to be received; but I hope you will not say, that no petitions are to be received against any clause in this bill. The clause now proposed will certainly have petitions against it from most parts of the kingdom: the petitioners must be heard: by this means, the bill may be lost, or delayed till after the mutiny-act now subsisting be expired. What confusion would this breed in your army? The regiments must all disband; it would be a sort of high treason to keep them together, or to exercise any martial law in this kingdom.

Is this, Sir, a risk to be run, for the sake of making an alteration in the law, which experience has shewn the army may subsist well enough without? I say, an alteration in the law; for notwithstanding the meaning put upon the word quarters, by the hon. gentleman who spoke last, and by the learned gentleman who spoke some time before him, I must insist, that in this country, the word quarters signifies no more than a lodging as convenient as the owner of the house can afford. The soldiers may, perhaps, think, that it likewise implies all necessary provisions at such prices as they can pay for them; but soldiers often form notions, and annex ideas to words, that are very inconsistent with the laws of this country, or with the con-

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stitution of any free government. In this country, however, even the soldiers have not yet formed such a notion of quarters: at least here in Westminster, they have not; for they never desire any thing more than a lodging at the place where they are quartered; nor has any of our mutiny-acts given them encouragement to expect more, except that in 1696; and as that law was the effect of necessity, it ceased soon as the necessity was over. It may, perhaps, be necessary, now you have so great an army on foot, to oblige landlords to furnish the soldiers quartered upon them with the use of their fire and kitchen utensils, for dressing and eating the provisions they purchase for themselves; but even this you ought to take time to consider of; for an army is a dangerous tool to play with: it ought not to be handled rashly by those who have a regard for the liberties of their country.

I shall readily agree, Sir, with the hon. gentleman, that an army of true Englishmen can never be dangerous to liberty; because they would disband themselves, when they found they should be of no service to their country: They would scorn to put their country to the expence of maintaining them, when they knew it had no occasion for their service. But when had we, when shall we have such an army? An army of Englishmen has once already overturned the liberties of this country, and would probably have perpetuated the tyranny they had set up, if their generals could have agreed among themselves; for it was not the army, but the disagreement among Cromwell's generals, after his death, that brought about the Restoration of our government under king Charles 2; and in the late king James's time, it was not so much the army, as the mad bigotry of that prince, that brought about the Revolution; for if the army had seen, that they were to have been the ministers of that tyrannical government he had set up, they would probably have supported him in it; but they saw, that even they themselves were to be the slaves of his priests, and therefore many of them joined in divesting him of that arbitrary power, which the army in general had assisted and encouraged him to assume.

I shall grant, Sir, we had at that time the good luck to have several great and eminent patriots, who had considerable interest and commands in the army: By their means a spirit of liberty and patriotism was preserved in the army; but if it had not been for the open and notorious bigotry of the prince, I am afraid, their endeavours would have proved ineffectual. They would probably themselves have joined the prince of Orange at his landing; but they must have joined single and alone; and in that case, they might, in all probability, have fallen victims to their own honour and their love for their country. I hope, we have still many such officers in our army: I hope there is still a spirit of liberty among the soldiers; but whoever considers the insatiable thirst of most men after power, the effects of company and conversation upon a man's way of thinking, and the rapid progress of martial law, must conclude, that a numerous standing army, even of national troops, whether in quarters or in barracks, is absolutely inconsistent with a free government, especially where the modelling and commanding of that army depends entirely, as it does in this kingdom, upon the will of one single man.

It must be admitted, Sir, that a standing army in quarters will always be more troublesome to the people, than a standing army in barracks; but for this very reason I shall always be for keeping our army in quarters, that the people may be sensible of the fetters, which are preparing for them, before such a number can be forged, as may be sufficient for shackling them close down to the ground. The people have still a power to prevent, or put an end to the keeping up of too numerous an army; and I hope they will always think of exercising this power before it be too late: That they may do so, I am for keeping our army in their view, by having the soldiers quartered among them. If the soldiers were all kept in barracks, the people would be insensible of their numbers, and might not, perhaps, think of reducing them by law till the army grew so numerous, and became so closely united, as to be able to support itself against law. Therefore, Sir, whatever friend I may be to discipline in the army, which, barring reviews, we have had no great occasion for these twenty years past, whilst I am a friend to the people, I shall think myself obliged to be against erecting barracks, and every thing that may in the least contribute towards its being necessary for us to erect any such; and consequently, I must be against the clause now proposed.

The further consideration of the Bill was adjourned till the 26th.

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*Debate in the Commons on the Clauses of the Mutiny Bill relative to the Quartering of Soldiers.**] Feb. 24. In a Committee for the consideration of the Bill for the punishment of Mutiny and Desertion, and for the better payment of the Army and their Quarters, &c., sir William Yonge desired that the 20th and 26th Clauses of the late act might be read, which were read as follows:

'20. It is hereby enacted, that the officers and soldiers, so quartered and billetted, shall be received by the owners of the inns, livery stables, ale-houses, victualling-houses, and other houses, in which they are allowed to be quartered and billetted by this act; and shall pay such reasonable prices as shall be appointed from time to time by the justices of the peace in their general and quarter sessions of each county, city, or division, within their respective jurisdictions: and the justices of the peace aforesaid are hereby empowered and required to set and appoint, in their general and quarter sessions aforesaid, such reasonable rates for all necessary provisions for such officers and soldiers, for one or more nights, in the several cities, towns, villages, and other places, which they shall come to in their march, or which shall be appointed for their residence and quarters.'

'26. That the quarters both of officers and soldiers in Great Britain may be duly paid and satisfied, be it enacted, that every officer, to whom it belongs to receive the pay or subsistence money, either for a whole regiment, or particular troops and companies, shall immediately, upon each receipt of every particular sum, on account of pay or subsistence, give public notice thereof to all persons keeping inns, or other places where officers and soldiers are quartered by virtue of this act: also appoint them and others to repair to their quarters within four days at the farthest after the receipt of the same, to declare the accounts or debts (if any shall be) between them, and the officers and soldiers quartered in their respective houses; which accounts the said officer or officers are hereby required immediately to discharge, before any part of the said pay or subsistence be distributed to the officers or soldiers: provided the said accounts exceed not for a commission officer of horse, under a captain, for one day's diet and small-beer, two shillings; for one commission officer of dragoons under a captain one shilling, for one commission officer of foot under a captain, one shilling; and for hay and straw, for one horse, six-pence; for one dragoon or light horseman's diet and small-beer, each day six-pence, and hay and straw for his horse, six-pence; and also not to exceed four-pence a day, for one foot soldier's diet and small-beer.'

Sir *Wm. Yonge* then spoke as follows:

Sir; whether there is any real difficulty in the clauses which you have now heard read, or whether there are such passages as may be easily understood by those who have no interest to mistake them, and which are only clouded by an artificial obscurity, whether they are in themselves capable of different meanings, or whether avarice or poverty have produced unreasonable interpretations, and found ambiguities only because they were determined not to be disappointed in their search; whether this law is disobeyed, because it is misunderstood, or only misunderstood by those who had resolved to disobey it, the committee must determine.

It has been for many years understood that inn-holders, and keepers of public-houses were obliged by this law to supply soldiers quartered upon them with diet and small-beer, and hay and straw for their horses, at such rates as are mentioned in the act; nor can I discover that these clauses admit of any other interpretation, or that any other could be intended by the parliament by which it was enacted.

The pay of the soldiers, Sir, was well known to those who gave their consent to this law, it was intended by them that the soldiers should be supplied with necessaries, and it could not be meant that they should pay for them more than they received; they therefore established the rate at which they were to be furnished, and fixed the highest rate which the wages of a soldier allow him to pay.

This interpretation was, as I suppose, from its apparent consonance to reason, universally allowed, till the inhabitants of Ledbury, whither soldiers had been sent to suppress a riot and enforce the laws, found their apprehensions so sharpened by their malice, that they discovered in the act an ambiguity, which had, till that time, escaped the penetration of the most sagacious; and, upon comparison of one cir-

* From the Gentleman's Magazine, for March 1742: compiled by Dr. Johnson.

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cumstance with another, found themselves under no obligation to give any assistance to the soldiers.

They therefore, Sir, not only refused to afford them victuals at the accustomed rates, but proceeding from one latitude of interpretation to another, at length denied them not only the privilege of diet, but the use of kitchen utensils, to dress the provisions, which they bought for themselves, and at last denied their claim to the fire itself.

The soldiers, exasperated not only at the breach of their established and uncontested privileges, but at the privation of the necessaries of life, began to think of methods more speedy and efficacious than those of arguments and remonstrances, and to form resolutions of procuring by force what, in their opinions, was only by force withheld from them.

What might have been the event of this controversy, to what extremities a contest about things so necessary might have been carried, how wide the contest might have spread, or how long it might have lasted, we may imagine, but cannot determine; had not a speedy decision been procured, its consequences might have been fatal to multitudes, and a great part of the nation been thrown into confusion.

Having received an account of the affair from the officers who commanded at that place, I consulted the attorney-general what was the design of the law, and the extent of the obligation enforced by it, and was answered by him, that the sums which were to be paid for the diet of the men, and the hay and straw for the horses being specified, it must necessarily be intended, by the legislature, that no higher rates should be demanded; that the power granted to the justices of peace was wholly in favour of the soldier, and that they might lessen the payment at discretion in places of uncommon cheapness, or years of extraordinary plenty, but could not increase it on any occasion.

Another dispute, Sir, of the like nature was occasioned by the late scarcity at Wakefield, where the justices, upon the application of the inn-keepers, made use of the authority which they supposed to have been reposed in them by the act, and raised the price of hay and straw to eightpence, which the soldiers were not able to pay, without suffering for want of victuals.

On this occasion likewise I was applied to, and upon consulting the present attorney-general, received the same answer as before; and transmitting his opinion to the place from whence I received the complaint, it had so much regard paid to it, that the additional demand was thenceforward remitted.

The letters which those two learned lawyers sent to me on this subject I have now in my hand; and hope their opinion will be thought sufficient authority for the interpretation of an act of parliament.

Nor is their authority, Sir, however great, so strong a proof of the justness of this interpretation, as the reasonableness, or rather necessity of admitting it. The only argument that can be produced against it, is the hardship imposed by it on the inn-holder, who, as it is objected, must be obliged by the law, so understood, to furnish the soldiers with provisions for a price at which he cannot afford them.

But let it be considered, how much more easily the landlord can furnish them at this price, than they can provide for themselves, and the difficulty will immediately vanish. If soldiers are necessary, they must necessarily be supported, and it appears, upon reflection, that their pay will not support them by any other method.

If they are obliged to buy their victuals, they must likewise buy fire and implements to dress them; and what is still a greater hardship, they must sell them, and buy new, at every change of their quarters: if this is impossible, it will be allowed not to be the meaning of the House, upon whose wisdom it would be a censure too severe to suppose them capable of enacting impossibilities.

But to the inn-holder, Sir, whose utensils are always in use, and whose fire is always burning, the diet of a soldier costs only the original price paid to the butcher, and in years of common plenty may be afforded without loss, at the price mentioned in the act. It cannot, indeed, be denied that, at present, every soldier is a burthen to the family on which he is quartered, in many parts of the kingdom; but it may be reasonably hoped, that the present scarcity will quickly cease, and that provisions will fall back to their former value; and even, amidst all the complaints, with which the severity and irregularity of the late seasons have filled the nation, there are many places where soldiers may be maintained at the stated rates, with very little hardship to their landlords.

However, Sir, as this interpretation of

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the act, though thus supported both by authority and reason, has been disputed and denied, as some lawyers may be of a different opinion from those whom I have consulted, and as it is not likely that the practice thus interrupted will now be complied with as a prescription, I think it necessary to propose that the price of a soldier's diet be more explicitly ascertained, that no room may remain for future controversies.

Mr. *Sandys:*

Sir; I am very far from thinking the authority of these learned gentlemen, whose letters are produced, incontrovertible proof of the justness of an interpretation of an act of the House, where that interpretation is not in itself warranted by reason, nor consistent with the preservation, or enjoyment of property. Much less shall I agree to support their interpretation by a new law, or establish by an act of the legislature, a kind of oppression, for which, however tacitly submitted to, nothing could be pleaded hitherto but custom.

The burthen, Sir, of a standing-army, is already too heavy to be much longer supported, nor ought we to add weight to it by new impositions; it surely much better becomes the representatives of the nation to attend to the complaints of their constituents, and where they are found to arise from real grievances, to contrive some expedient for alleviating their calamities.

A heavy and dreadful calamity, Sir, lies now in a particular manner upon the people; the calamity of famine, one of the severest scourges of Providence, has filled the whole land with misery and lamentation; and surely nothing can be more inhuman than to chuse out this season of horror, for new encroachments on their privileges, and new invasions of the rights of nature, the dominion of their own houses, and the regulation of their own tables.

The hon. gentleman, Sir, has mentioned places where provisions, as he says, are still to be bought at easy rates. For my part, I am fixed in no such happy corner of the kingdom; I see nothing but scarcity, and hear nothing but complaints, and shall therefore be very far from admitting now such methods of supporting the army, as were thought too burthensome in times of plenty; nor will combine in laying a new tax upon any class of my countrymen, when they are sinking under an enormous load of imposts, and in want of the necessaries of life.

Sir *William Yonge:*

Sir; nothing is more easy than outcry and exaggeration, nor any thing less useful for the discovery of truth, or the establishment of right. The most necessary measures may often admit of very florid exclamations against them, and may furnish very fruitful topics of invective.

When our liberties, Sir, are endangered, or our country invaded, it may be very easy, when it is proposed that we should have recourse to our swords for security, to bewail in pathetic language the miseries of war, to describe the desolation of cities, the waste of kingdoms, the insolence of victory, and the cruelty of power inflamed by hostilities. Yet to what will those representations contribute, but to make that difficult which yet cannot be avoided, and embarrass measures which must however be pursued.

Such, Sir, appear to me to be the objection made to the method now proposed of providing necessaries for the soldiers, methods not eligible for their own sake, but which ought not to be too loudly condemned, till some better can be substituted. For why should the public be alarmed with groundless apprehensions, or why should we make those laws which our affairs oblige us to enact, less agreeable to the people by partial representations?

In the discussion of this question, Sir, it is to be considered whether soldiers are to be supported, and whether it will be more proper to maintain them by the method of ascertaining the rates at which they are to be supplied, or by increasing their pay.

One of these two ways it is necessary to take; the provisions are already fixed at as high a price as their pay will allow; if, therefore, they are expected to pay more, their wages must be increased.

For my part I shall comply with either method, though I cannot but think it my duty to declare, that, in my opinion, it is safer to fix the price of provisions, which must sink in their value, than to raise the pay of the army, which may never afterwards be reduced.

Mr. *Gybbon:*

Sir; I agree, with the hon. gentleman, that if soldiers are necessary, we must make provisions for their support. This is indisputably certain; but it is no less cer-

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tain, that where soldiers are necessary, restraints and regulations are necessary likewise, to preserve those from being insulted and plundered by them, who maintain them for the sake of protection.

The usefulness, Sir, of this caution seems not to be known, or not regarded by the gentlemen whose proposal gave occasion to this debate; for by enacting laws in general terms, as he seems to advise, we should leave the unhappy inn-keeper wholly at the mercy of his guests, who might plunder and insult him under the protection of the legislature, might riot as in a conquered country, and say—To this treatment you are subjected by the determination of the parliament.

The unhappy man, Sir, could have no prospect either of quiet or safety, but by gratifying all the expectations of returning civilities for insolence, and receiving their commands with the same submission that is paid in capitulating towns to the new garrison.

If it be necessary to ascertain the price, is it not necessary at the same time to ascertain the species and quantity of provisions to be allowed for it? Is a soldier to fatten on delicacies, and to revel in superfluities, for 4*d.* a day? Ought not some limits to be set to his expectations, and some restraints prescribed to his appetite? Is he to change his fare with all the capriciousness of luxury, and relieve, by variety, the squeamishness of excess?

Such demands as these, Sir, may be thought ludicrous and trifling, by those who do not reflect on the insolence of slaves in authority, who do not consider that the license of a military life is the chief inducement that brings volunteers into the army; an inducement which would, indeed, make all impresses superfluous, were this proposal to be adopted. For how readily would all the lazy and voluptuous engage in a state of life which would qualify them to live upon the labour of others, and to be profuse without expence?

Our army may by this method be increased; but the number of those by whom they are to be maintained, must quickly diminish. For by exaction and oppression the poorer inn-keepers must quickly become bankrupts, and the soldiers that lose their quarters, must be added to the dividend allotted to the more wealthy, who by this additional burden will soon be reduced to the same state, and then our army must subsist upon their pay, because they will no longer have it in their power to increase it by plunder.

It will then be inevitably necessary to divide the army from the rest of the community, and to build barracks for their reception; an expedient, which, though it may afford present ease to the nation, cannot be put in practice without danger to our liberties.

The reason, for which so many nations have been enslaved by standing armies, is nothing more than the difference of a soldier's condition from that of other men. Soldiers are governed by particular laws, and subject to particular authority; authority, which, in the manner of its operation, has scarcely any resemblance of the civil power. Thus they soon learn to think themselves exempt from all other laws; of which, they either do not discover the use, and therefore easily consent to abolish them; or envy the happiness of those who are protected by them, and so prevail upon themselves to destroy those privileges which have no other effect, with regard to them, but to aggravate their own dependence.

These, Sir, are the natural consequences of a military subjection; and if these consequences are not always speedily produced by it, they must be retarded by that tenderness which constant intercourse with the rest of the nation produces, by the exchange of reciprocal acts of kindness, and by the frequent inculcation of the wickedness of contributing to the propagation of slavery, and the subversion of the rights of nature; inculcations which cannot be avoided by men who live in constant fellowship with their countrymen.

But soldiers shut up in a barrack, excluded from all conversation with such as are wiser and honester than themselves, and taught that nothing is a virtue but implicit obedience to the commands of their officers, will soon become foreigners in their own country, and march against the defenders of their constitution, with the same alacrity as against an army of invaders ravaging the coasts; they will lose all sense of social duty and of social happiness, and think nothing illustrious but to enslave and destroy.

So fatal, Sir, will be the effects of an establishment of barracks, or petty garrisons in this kingdom; and therefore, as barracks must be built when inn-keepers are ruined, and our concurrence with this proposal must produce their ruin, I hope it will not be necessary to prove by any

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other argument, that the motion ought to be rejected.

Mr. *Henry Pelham:*

Sir; though I am not inclined by loud exaggerations and affected expressions of tenderness to depress the courage, or inflame the suspicions of the people, to teach them to complain of miseries which they do not feel, or ward against ill designs which were never formed, yet no man is more really solicitous for their happiness, or more desirous of removing every real cause of fear and occasion of hardships.

This affection to the people, an affection steady, regular and unshaken, has always prompted me to prefer their real to their seeming interest, and rather to consult the security of their privileges than the gratification of their passions; it has hitherto determined me to vote for such a body of troops as may defend us against sudden inroads and wanton insults, and now incites me to propose that some efficacious method may be struck out for their support, without exasperating either the soldiers or their landlords by perpetual wrangles, or adding to the burden of a military establishment the necessity of contentions in courts of law.

I know not with what view those have spoken by whom the proposal first made has been opposed; they have indeed proposed objections, some of which are such as may be easily removed, and others such as arise from the nature of things, and ought not therefore to be mentioned, because they have no other tendency than to enflame the minds of those that hear them against an army, at a time when it is allowed to be necessary, and prove only what was never denied, that no human measures are absolutely perfect, and that it is often impossible to avoid a greater evil, but by suffering a less.

The question before us, Sir, is in its own nature so simple, so little connected with circumstances that may distract our attention, or induce different men to different considerations, that, when I reflect upon it, I cannot easily conceive by what art it can be made the subject of long harangues, or how the most fruitful imagination can expatiate upon it.

It is already admitted that an army is necessary; the pay of that army is already established; the accidental scarcity of forage and victuals is such, that the pay is not sufficient to maintain them; how then must the deficiencies be supplied? It has been proposed either to fix the price of provisions with repect to them, or to advance their wages in some proportion to the price of provisions. Both these methods seem to meet with disapprobation, and yet the army is to be supported.

Those who reason thus, do surely not expect to be answered, or at least expect from a reply no other satisfaction than that of seeing the time of the session wasted, and the administration harrassed with trivial delays, for what can be urged with any hope of success to him who will openly deny contradictory propositions, who will neither move nor stand still, who will neither disband an army nor support it.

Whether these gentlemen conceive that an army may subsist without victuals till the time of scarcity is over, or whether they have raised those forces only to starve them, I am not sagacious enough to conjecture; but shall venture to observe, that if they have such a confidence in the moderation and regularity of the soldiers, as to imagine that they will starve with weapons in their hands, that they will live within the sight of full tables, and languish with hunger, and perish for want of necessaries, rather than diminish the superfluities of others, they ought for ever to cease their outcries about the licentiousness, insolence, and danger of a standing-army.

But, not to sink into levity unworthy of this assembly, may I be permitted to hint that these arts of protracting our debates, are by no means consistent with the reasons for which we are assembled, and that it is much better proof, both of ability and integrity, to remove objections, than to raise them, and to facilitate, than to retard, the business of the public?

The proposal made at first was only to elucidate a law which had been regularly observed for fifty years, and to remove such ambiguities as tended only to embarrass the inn-holders, not to relieve them.

To this many objections have been made, and much declamation has been employed to display the hardships of maintaining soldiers, but no better method has been yet discovered, nor do I expect that any will be started, not attended with greater difficulties.

In all political questions, questions too extensive to be fully comprehended by speculative reason, experience is the guide which a wise man will follow with the least distrust, and it is no trivial recommendation of the present method, that it has

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been so long pursued without any formidable inconvenience or loud complaints.

Hardships, even when real, are alleviated by long custom; we bear any present uneasiness with less regret, as we less remember the time in which we were more happy; at least by long acquaintance with any grievance we gain this advantage, that we know it in its whole extent, that it cannot be aggravated by our imagination, and that there is no room for suspecting that any misery is yet behind more heavy than that which we have already borne.

Such is the present state of the practice now recommended to this assembly, a practice to which the inn-keepers have long submitted, and found it at least tolerable; to which they knew themselves exposed when they took out a license for the exercise of that profession, and which they consider as a tax upon them, to be balanced against the advantages which they expect from their employment.

This tax cannot be denied at present to be burthensome in a very uncommon degree; but this weight has not been of long continuance, and it may be reasonably hoped that it will now be made every lighter. It is indeed true, that no unnecessary impositions ought to be laid upon the nation even for a day, and if any gentleman can propose a method by which this may be taken off or alleviated, I shall readily comply with his proposal, and concur in the establishment of new regulations.

With regard to barracks I cannot deny that they are justly names of terror to a free nation, that they tend to make an army seem part of our constitution, and may contribute to infuse into the soldiers a disregard of their fellow subjects, and an indifference about the liberties of their country; but I cannot discover any connection between a provision for the support of the soldiers in public-houses, in a state of constant familiarity with their countrymen, and the erection of barracks, by which they will be, perhaps, for ever, separated from them, nor can discover any thing in the method of supporting them now recommended, that does not tend rather to the promotion of mutual good offices and the confirmation of friendship and benevolence.

Mr. *Campbell*:

Sir; whence the impropriety of raising objections to any measures that are proposed, is imagined to arise, I am unable to discover, having hitherto admitted as an uncontrovertible opinion, that it is the duty of every member of this House to deliver, without reserve, his sentiments upon any question which is brought before him, and to approve or censure according to his conviction.

If it be his duty, Sir, to condemn what he thinks dangerous or inconvenient, it seems by no means contrary to his duty, to shew the reason of his censure, or to lay before the House those objections which he cannot surmount by his own reflection. It certainly is not necessary to admit implicitly all that is asserted; and to deny or disapprove without reason, can be no proof of duty, or of wisdom; and how shall it be known, that he who produces no objections, acts from any other motives, than private malevolence, discontent, or caprice?

Nor is it, Sir, to be imputed as a just reason for censure to those who have opposed the motion, that no other measures have been offered them to the consideration of the committee. It is necessary to demolish a useless or shattered edifice, before a firm and habitable building can be erected in its place; the first step to the amendment of a law is to shew its defects; for why should any alteration be made where no inconveniency is discovered?

To the chief objection that was offered, no answer has yet been made, nor has the House been informed how the inn-keeper shall be able to discover when he has paid the tax which this law lays upon him. This is indeed a tax of a very particular kind, a tax without limits, and to be levied at the discretion of him for whose benefit it is paid. Soldiers, quartered upon these terms, are more properly raising contributions in an enemy's country, than receiving wages in their own.

Is it intended by this motion, that the inn-keepers shall judge what ought to be allowed the soldier for his money? I do not see then that any alteration is proposed in the present condition of our army, for who has ever refused to sell them food for their money at the common price, or what necessity is there for a law to enforce a practice equally to the advantage of all parties? If it be proposed that the soldier shall judge for himself, that he shall set what value he shall think fit on his own money, and that he shall be at once the interpreter and executioner of this new law,

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the condition of the inn-keeper will then be such as no slave in the mines of America can envy, and such as he will gladly quit for better treatment under the most arbitrary and oppressive government.

Nor will the insolence of the soldier, thus invested with unlimited authority, thus entitled to implicit obedience, and exalted above the rest of mankind, by seeing his claim only bounded by his own moderation, be confined to his unhappy landlord. Every guest will become subject to his intrusion, and the passenger must be content to want his dinner, whenever the lord of the inn shall like it better than his own.

That these apprehensions, Sir, are not groundless, may be proved from the conduct of those men, even when the law was not so favourable to their designs; some of them have already claimed the sole dominion of the houses in which they were quartered, and insulted persons of very high rank, and whom our ancient laws had intended to set above the insults of a turbulent soldier. They have seen the provisions which they had ordered, taken away by force, partly, perhaps, to please the appetite of the invader, and partly to gratify his insolence, and give him an opportunity of boasting among his comrades, how successfully he blustered.

If it be necessary, Sir, to insert a new clause in the act to prevent law-suits, which, however advantageous they may sometimes be to me, I shall always be ready to obviate, it is surely proper to limit the claim of one party as well as that of the other, for how else is the ambiguity taken away? The difficulty may be indeed transferred, but is by no means removed, and the inn-keeper must wholly repose himself upon the lenity and justice of the soldier, or apply to the courts of law for the interpretation of the act?

The question between us, is said to be so free from perplexity, that it can scarcely give occasion for harangues or disputations, and indeed it cannot but be allowed, that the controversy may soon be brought to a single point, and I think nothing more is necessary than to enquire, if inn-holders shall be obliged to provide victuals for soldiers at a stated price, what, and how much the soldier shall demand.

The power of raising money at pleasure, has been hitherto denied to our kings, and surely we ought not to place that confidence in the lowest, that has been refused to the most exalted of mankind, or invest our soldiers with power, which neither the most warlike of our monarchs could constrain us, nor the most popular allure us to grant.

The power now proposed to be granted, is nothing less than the power of levying money, or what is exactly equivalent, the power of raising of money in their own hands, to any imaginary value. A soldier may, if this motion be complied with, demand for a penny, what another man must purchase at forty times that price. While this is the state of our property, it is surely not very necessary to raise armies for the defence of it; for why should we preserve it from one enemy only to throw it into the hands of another, equally rapacious, equally merciless, and only distinguished from foreign invaders, by this circumstance, that he received from our own hands the authority by which he plunders us.

Having thus evinced the necessity of determining the soldier's privileges, and the inn-keeper's rights, I think it necessary to recommend to this House an uncommon degree of attention to the regulation of our military establishment, which is become not only burdensome to our fellow-subjects by the present famine, but by the increase of our forces; an increase which the nation will not behold without impatience, unless they be enabled to discern for what end they have been raised.

The people of this nation are, for very just reasons, displeased, even with the appearance of a standing army, and surely it is not prudent to exasperate them, by augmenting the troops in a year of famine, and giving them at the same time new powers of extortion and oppression.

Mr. *Winnington*:

Sir; I have heard nothing in this debate, but doubts and objections, which afford no real information, nor tend to the alleviation of those grievances which are so loudly lamented.

It is not to point out inconveniences, or to give striking representations of the hardships to which the people are exposed; for unless some better expedient can be proposed, or some method discovered, by which we may receive the benefits, without suffering the disadvantages of the present practice, how does it appear that these hardships, however severe, are not inseparable from our present condition, and such as can only be removed, by exposing ourselves to more formidable evils?

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As no remedy, Sir, has been proposed by those who appear dissatisfied with the present custom, it is reasonable to imagine, that none will be easily discovered; and therefore I cannot but think it reasonable that the motion should be complied with. By it no new imposition is intended, nor any thing more than the establishment of a practice which has continued for more than 50 years, and never, except on two occasions, been denied to be legal. It is only proposed that the parliament should confirm that interpretation of the act which has been almost universally received, that they should do what can produce no disturbance, because it will make no alterations, but may prevent them; because it may prevent any attempts of innovation, or diversity of opinions.

Sir *John Barnard:*

Sir; whether the interpretation of the act which is now contended for, has been universally admitted, it is impossible to know; but it is at least certain, that the practice which is founded upon it, has in many places never been followed, nor indeed can it be made general without great impropriety.

Many of those, Sir, who are stiled keepers of public-houses, and on whom soldiers are quartered under that denomination, have no conveniency of furnishing provisions, because they never sell them: such are many of the keepers of livery-stables, among whom it is the common method to pay soldiers a small weekly allowance, instead of lodging them in their houses; a lodging being all which they conceive themselves obliged to provide, and all that the soldiers have hitherto required; nor can we make any alteration in this method, without introducing the licence and insolence of soldiers into private houses; into houses hitherto unacquainted with any degree of riot, incivility or uproar.

The reason for which public-houses are assigned for the quarters of soldiers, is partly the greater conveniency of accommodating them in families that subsist by the entertainment of strangers, and partly the nature of their profession, which, by exposing them to frequent encounters with the rude and the debauched, enables them either to bear or repress the insolence of a soldier.

But with regard, Sir, to the persons whom I have mentioned, neither of these reasons have any place; they have not, from their daily employment, any opportunities of furnishing soldiers with beds or victuals, nor by their manner of life are adapted to support intrusion, or struggle with perverseness. Nor can I discover why any man should force soldiers into their houses, who would not willingly admit them into his own.

Mr. *Cocks:*

Sir; the practice mentioned by the hon. gentleman, I know to be generally followed by all those that keep ale-houses in the suburbs of this metropolis, who pay the soldiers billetted on them, a composition for their lodging, nor ever see them but when they come to receive it; so far are they from imagining that they can claim their whole subsistence at any stated price.

It is apparent, therefore, that by admitting this motion, we should not confirm a law already received, but establish a new regulation unknown to the people; that we should lay a tax upon the nation, and send our soldiers to collect it.

General *Wade:*

Sir; I have been long conversant with military affairs, and therefore may perhaps be able to give a more exact account, from my own knowledge, of the antiquity and extent of this practice, than other gentlemen have had, from their way of life, an opportunity of obtaining.

It was, Sir, in the reign of king William, the constant method by which the army was supported; as may be easily imagined by those who reflect, that it was common for the soldiers to remain for eight or ten months unpaid, and that they had therefore no possibility of providing for themselves the necessaries of life. Their pay never was received in those times by themselves, but issued in exchequer bills for large sums, which the inn-keepers procured to be exchanged and divided among themselves, in proportion to their debts.

Such was the practice, Sir, in that reign, which has been generally followed to this time, and the rates then fixed have not since been changed; and as no inconveniency has arisen from this method, I can discover no reason against confirming and continuing it.

Mr. *Pulteney:*

Sir; those that have spoken in defence of the motion, have accused their oppo-

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nents, with great confidence, of declaiming without arguments, and of wasting the time of the session, in a useless repetition of objections.

I do not, indeed, wonder, that the objections which have been raised should have given some disgust; for who can be pleased with hearing his opponent produce arguments which he cannot answer? But surely the repetitions may be excused: for an objection is to be urged in every debate till it is answered, or is discovered to be unanswerable.

But what, Sir, have those urged in defence of their own opinions, who so freely animadvert upon the reasonings of others? What proofs, Sir, have they given of the superiority of their own abilities, of the depth of their researches, or the acuteness of their penetration?

They have not produced one argument in favour of their motion, but that it is founded on custom; they have not discovered, however wise and sagacious, that it is always necessary to enquire whether a custom be good or bad; for, surely, without such enquiry no custom ought to be confirmed.

The motion which they would support, is indeed useless in either case; for a good custom will continue of itself, and one that is bad ought not to be continued. It is the business of the legislature to reform abuses, and eradicate corruptions; not to give them new strength by the sanction of a law.

It has been urged, Sir, that the law in reality exists already; that the act has been interpreted in this sense, by the attorney-general; and that his interpretation is generally received. This is then the state of the question; if the practice, founded upon this sense of the act, generally prevails, there is no need of a new clause to enforce what is already complied with: if it does not prevail, all that has been urged in defence of the motion falls to the ground.

I do not doubt, Sir, that this custom has been received without many exceptions, and therefore think it ought still to remain a custom, rather than be changed into a law, because it will be complied with as a custom, where there are no obstacles to the observation of it; and it ought not to be enforced by law where it is inconvenient and oppressive.

While the soldier, Sir, is moderate in his demands, and peaceable and modest in his behaviour, the inn-keeper will cheerfully furnish him even more than he can afford at the stated price; and certainly rudeness, insolence, and unreasonable expectations, may justly be punished by the forfeiture of some conveniencies. Thus, Sir, the inn-keeper will preserve some degree of authority in his own house; a place where the laws of nature give every man dominion, and the soldier will continue a regular and inoffensive member of civil society.

The absurdity of leaving the soldier at large in his demands, and limiting the price which the inn-keeper is to require, has been already exposed beyond the possibility of reply; nor indeed has the least attempt been made to invalidate this objection; for it has been passed in silence by those who have most zealously espoused the motion.

The account given by the hon. gentleman of the reason for which this regulation was first introduced in the reign of king William, is undoubtedly just; but it proves, Sir, that there is no necessity of continuing it; for the soldiers are now constantly paid, and therefore need not that assistance from the inn-keeper, which was absolutely requisite when they were sometimes six months without money.

It has been urged, Sir, with great importunity and vehemence, that some expedient should be proposed in the place of this which so many gentlemen who have spoken on this occasion seem inclined to reject, and which indeed cannot be mentioned without contempt or abhorrence. That the soldiers should know as well as their landlord their own rights, is undoubtedly just, as well as that they should have some certain means of procuring the necessaries of life; it may therefore be proper to enact, that the inn-keeper shall either furnish them with diet at the established rates, or permit them to dress the victuals which they shall buy for themselves, with his fire and utensils, and allow them candles, salt, vinegar, and pepper. By this method the soldiers can never be much injured by the incivility of their landlord, nor can the inn-keeper be subjected to arbitrary demands. The soldier will still gain, by decency and humanity, greater conveniencies than he can procure for himself by his pay alone, and all opportunities of oppression on either side will in a great measure be taken away.

I cannot but express my hopes that this method will be generally approved. Those that have opposed the establishment of an

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army will be pleased to see it made less grievous to the people; and those that have declared in its favour, ought surely to adopt without opposition, any measures, by the pursuit of which it may be borne with fewer complaints, and less reluctance.

The farther consideration of this question was deferred to the 26th, when,

Sir *William Yonge* spoke as follows:

Sir; the last day which was assigned to the consideration of this Bill, was spent in long altercations, in vague and unnecessary disquisitions, in retrospective reflections upon events long past, and in aggravating of grievances that may never happen; much sagacity was exerted, and much eloquence displayed, but no determination was attained, nor even that expedient examined, by which those objections might be removed which appeared so important, or those dangers obviated which were represented so formidable and so near.

I hope, Sir, part of the time which has intervened between that debate and the present day, has been employed by the gentlemen, whose scruples were so numerous, and whose caution is so vigilant, in contriving some methods of maintaining the army without oppressing the victuallers, and of providing for our defence against foreign enemies, without subjecting us to the evils of discontent and disaffection, which they impute to the present state of the military establishment.

To object for ever, and to advance nothing, is an easy method of disputation upon any question, but contributes very little to the increase of knowledge; an artful and acute objecter may confound and darken, and disturb, but never assists enquiry or illustrates truth.

In political questions, Sir, it is still more easy and less ingenuous; for all political measures are in some degree right and wrong at the same time; to benefit some they very frequently bear hard upon others, and are therefore only to be approved or rejected as advantages appear to over-balance the inconveniencies, or the inconveniences to out-weigh the advantages.

It is, Sir, the proper province of a member to promote, not to obstruct the public counsels, and when he declares his disapprobation of any expedient, to endeavour to substitute a better. For how can he be said to sustain his part of the general burthen of public affairs, who lays others under the necessity of forming every plan, and inventing every expedient, and contents himself with only censuring what he never endeavours to amend?

That every man who is called forth by his country, to sit here as the guardian of the public happiness, is obliged, by the nature of his office, to propose in this House whatever his penetration or experience may suggest to him as advantageous to the nation, I doubt not but all that hear me are sufficiently convinced; and therefore cannot but suppose that they have so far attended to their duty, as to be able to inform us how the present inconveniencies of this Bill may be remedied, and its defects supplied.

To shew, Sir, at least my inclination to expedite an affair so important, I shall lay before the House an amendment that I have made to the clause, pursuant to a hint offered the last day by an honourable member, "That all inn-holders, victuallers, &c. shall be obliged to furnish soldiers with salt, vinegar, small-beer, candles, fire, and utensils to dress their victuals, and so doing, shall not be obliged to supply the troops with provisions, except on a march."

I am far, Sir, from thinking the clause as it will stand after this amendment, complete and unexceptionable, being conscious that some articles in it may require explanation. The quantity of small-beer to be allowed to each soldier must necessarily be ascertained in order to prevent endless and indeterminable disputes; for one man, Sir, may demand a greater quantity than another, and a man may be prompted by malice or wantonness to demand more than health requires; it will therefore be proper to limit the quantity which must be furnished, that neither the soldier may suffer by the avarice of his landlord, nor the landlord be oppressed by the gluttony of the soldier.

With regard to this question, Sir, I expect to find different opinions in this House, which every man is at liberty to offer and to vindicate; and I shall take this opportunity of proposing on my part, that every man may have a daily allowance of three quarts. One quart to each meal may be allowed in my opinion to be sufficient, and sure no gentleman can imagine that by this limitation, much superfluity is indulged.

There are some parts, Sir, of this kingdom, in which cyder is more plentiful, and cheaper than small-beer, consequently it may be for the ease of the victualler, to

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have the choice allowed him of furnishing one or the other; it will therefore be a very proper addition to this clause, that the inn-keepers shall allow the soldier every day three quarts of either small-beer or cyder.

That penal sanctions, Sir, are essential to laws, and that no man will submit to any regulations inconvenient to himself, but that he may avoid some heavier evil, requires not to be proved; and therefore to complete this clause, I propose, That the victualler, who shall neglect or refuse to observe it, shall be subject to some fine for his non-compliance.

Mr. *Henry Pelham:*

Sir; I cannot omit this opportunity of observing how much the burden of the army is diminished by the judicious regulations invariably observed in the late reigns, and how little the assignment of troops is to be dreaded by the victualler.

In the reign of king William, Sir, before funds were established, while the credit of the government was low, the measures of the court were often obviated or defeated by the superiority of the discontented party, and the supplies denied which were necessary to support them, and in expectation of which they had been undertaken, it was not uncommon for the towns in which the troops were stationed, to murmur at their guests; nor could they be charged with complaining without just reasons; for to quarter soldiers upon a house, was in those days little less than to send troops to live at their discretion.

As all supplies, Sir, were then occasional and temporary, and nothing was granted but for the present exigence, the prevalence of the opposition for a single session embarrassed all the measures of the court in the highest degree, their designs were at a stand, the forces were unpaid, and they were obliged to wait till another session for an opportunity of prosecuting their schemes.

Thus, Sir, the soldiers were sometimes five months without their pay, and were necessarily supported by the inn-keeper at his own expence, with how much reluctance and discontent I need not mention. It cannot but be immediately considered upon hearing this account of the soldier's condition, with how many reproaches he would receive his victuals, how roughly he would be treated, how often he would be insulted as an idler, and frowned upon as an intruder. Nor can it be imagined that such affronts, however they might be provoked, would be borne without return, by those who knew themselves not the authors of the provocation, and who thought themselves equal sufferers with those who complained. When the inn-keeper growled at the soldier, the soldier, it may be supposed, seldom failed to threaten, or to plunder the inn-keeper, and to rise in his demands, as his allowance was retrenched.

Thus, Sir, the landlord and his guest were the constant enemies of each other, and spent their lives in mutual complaints, injuries, and insults.

But by the present regularity of our military establishment, this great evil is taken away; as the soldier requires no credit of the victualler, he is considered as no great incumbrance on his trade, and being treated without indignities, like any other member of the community, he inhabits his quarters without violence, insolence, or rapacity, and endeavours to recommend himself by officiousness and civility.

In this present method of payment, Sir, the troops have always one month's pay advanced, and receive their regular allowance on the stated day; so that every man has it in his power to pay his landlord every night, for what he has had in the day; or, if he imagines himself able to procure his own provisions at more advantage, he can now go to market with his own money.

It appears therefore to me, Sir, that the amendment now proposed is the proper mean between the different interest of the inn-keeper and soldier, by which neither is made the slave of the other, and by which we shall leave to both opportunities of kindness, but take from them the power of oppression.

Mr. *Carew:*

Sir: the amendment now offered is not, in my opinion, so unreasonable or unequitable as to demand a warm and strenuous opposition, nor so complete as not to be subject to some objections; objections which, however, may be easily removed, and which would perhaps have been obviated, had they been foreseen by the gentleman who proposed it.

The allowance, Sir, of small liquors proposed, I cannot but think more than sufficient; three quarts a day are surely more than the demands of nature make necessary, and I know not why the legislature should promote, or confirm in the soldiery, a vice to which they are already too much inclined, the habit of tipling.

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The inn-keeper, Sir, will be heavily burdened by the obligation to supply the soldiers with so many of the necessaries of life without payment, and therefore it may be justly expected by him, that no superfluities should be enjoyed at his expence.

But there remains another objection, Sir, of far more importance, and which must be removed before this clause can be reasonably passed into a law. It is not declared, or not with sufficient perspicuity, that it is to be left to the choice of the inn-keeper, whether he will furnish the soldier with provisions at 4*d.* a day, or with the necessaries enumerated in the clause for nothing. If it is to be left to the choice of the soldier, the victualler receives no relief from the amendment, to whose option, since he must suffer in either case, it ought to be referred, because he only can tell by which method he shall suffer least.

Mr *Velters Cornwall:*

Sir; It is not without the greatest diffidence that I rise to oppose the gentleman who offered the amendment; for his abilities are so far superior to mine, that I object without hope of being able to support my objection, and contend with an absolute certainty of being overcome. I know not whether it may be allowed me to observe, that the difference between our faculties is with regard to strength and quickness, the same as between the cyder of his country and that of mine, except that in one part of the parallel the advantage is on our side, and in the other on his.

The cyder, Sir, of our country is one of our most valuable commodities, so much esteemed in distant places, that our merchants often sell it by the bottle, for more than the soldier has to give for the provision of a day, and of such strength, that I, who am accustomed to the use of it, never was able to drink three quarts in any single day.

If therefore, Sir, the soldier is to have three quarts of this cyder, when small-beer is not easily to be procured, not only the inn-keeper, but the army will be injured; for what greater harm can be done to any man, than to initiate him in a habit of intemperance? And what outrages and insolencies may not be expected from men trusted with swords, and kept from day to day, and from month to month, in habitual drunkenness by an act of parliament?

Sir *William Yonge:*

Sir; I know not why the gentleman has thought this a proper opportunity for displaying his eloquence in the praise of his own cyder. That he loves his own country cannot be wondered, for no passion is more universal, and few less to be censured; but he is not to imagine that the produce of his native soil will be generally allowed to excel that of other counties, because early habits have endeared it to him, and familiarised it to his particular palate.

The natives of every place prefer their own fruits and their own liquor, and therefore no inference can be drawn from approbation so apparently partial. From this prejudice I am far from suspecting myself free, nor am desirous or industrious to overcome it: neither am I afraid of exposing myself to all the censure that so innocent a prepossession may bring upon me, by declaring, that, in my opinion, the cyder of my native country is of equal excellence with that which this gentlemen has so liberally extolled.

Mr. *Velters Cornwall:*

Sir; how little I expect victory in this controversy I have already declared, and I need not observe of how small importance it is what soil produces cyder of the greatest excellence and value; since if there be other places where the cyder is equally esteemed, and purchased at the same rate, it is yet more necessary to provide by some exception, that the soldier shall not be entitled to demand of the victualler, liquor to more than thrice the value of his pay, nor be allowed to revel in continual drunkenness, and to corrupt his morals, and enervate his limbs by incessant debauchery.

But since, Sir, the preference due to the cyder of my country has been denied, in my opinion, with great partiality and injustice, I think myself obliged by all the laws of honour and gratitude, to stand up once more to vindicate its superiority, and assert its value.

The laws of honour, Sir, require this from me, as they oblige every man to stand forth a vindicator of merit slighted and oppressed; and gratitude calls loudly upon me to exert myself in the protection of that to which I have been often indebted for a pleasing suspense of care, and a welcome flow of spirits and gaiety.

The cyder, Sir, which I am now rescu-

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ing from contemptuous comparisons has often exhilirated my social hours, enlivened the freedom of conversation, and improved the tenderness of friendship, and shall not therefore now want a panegyrist. It is one of those few subjects on which an encomiast may expatiate without deviating from the truth.

Would the hon. gentleman, Sir, who has thus vilified this wonder-working nectar, but honour my table with his company, he would quickly be forced to retract his censures, and, as many of his countrymen have done, confess that nothing equal to it is produced in any other part of the globe; nor will this confession be the effect of his regard to politeness, but of his adherence to truth.

Of liquor like this, Sir, two quarts is undoubtedly sufficient for a daily allowance, in the lieu of small-beer, nor ought even that to be determined by the choice of the soldier, but of the inn-keeper, for whose benefit this clause is said to be inserted, and from whose grievances I hope we shall not suffer our attention to be diverted by any incidental questions or ludicrous disputes.

Mr. *Gore:*

Sir; that the allowance of two quarts a day is sufficient, and that to demand more is a wanton indulgence of appetite, is experimentally known, and therefore no more ought to be imposed upon the inn-keepers.

Nor is this, Sir, the only part of the clause that requires our consideration, for some of the other particulars, to be provided by the victualler, may easily furnish perverse tempers with an opportunity of wrangling: vinegar is not to be had in every part of the kingdom; and where it cannot be procured, ought not to be required; for neither reason nor experience will inform us that vinegar ought to be ranked among the necessaries of life.

Sir *William Yonge:*

Sir; by the alteration now made in the clause, the inn-keepers are effectually relieved from a great part of the burden which, in my opinion, this act has hitherto laid upon them; the necessity of furnishing the soldiers quartered upon them with provisions at the stated price, whatever might be the scarcity of the season or of the country. That this was the intention of the act, is asserted by those whose reputation and promotion are sufficient evidences of their ability in the interpretation of our laws.

The inn-keeper may now either accept or refuse the limited price, as it shall appear to him most consistent with his interest; nor will there be for the future any room for murmuring at unreasonable demands, since he may oblige that soldier, whom he cannot satisfy, to please himself better at his own expence.

The choice of the liquor is likewise wholly referred to the inn-keeper; for the words in the clause requiring, that he shall furnish three quarts of small-beer, or cyder, he complies indisputably with the law by supplying either; and therefore the value of cyder in any particular country is not of much importance in the question before us; if cyder be more valuable than small-beer, it may be withheld; if it be cheaper, it may be substituted in its place; so that the inn-keeper has nothing to consult but his own interest.

That this is the meaning of the clause, is, I suppose, obvious to every man that hears it read, and therefore I see no reason for any alterations, because I know not any effect which they can possibly have, except that of obscuring the sense, which is now too clear to be mistaken.

Sir *John Barnard:*

Sir; though it should be granted that the clause before us is intelligible to every member of this assembly, it will not certainly follow, that there is no necessity of farther elucidations; for a law, very easily understood by those who make it, may be obscure to others who are less acquainted with our general intention, less skilled in the niceties of language, or less accustomed to the stile of laws.

It is to be considered, that this law will chiefly affect a class of men very little instructed in literature, and very unable to draw inferences; men, to whom we often find it necessary in common cases to use explanations, and familiar illustrations, and of whom it may not be unreasonably suspected, that the same want of education, which makes them ignorant, may make them petulant, and at once incline them to wrangle, and deprive them of the means of deciding their controversies.

That both inn-holders and soldiers are for the greatest part of this rank and temper, I suppose, Sir, every gentleman knows from daily observation, and therefore it will, I hope, be thought necessary to descend to their understandings, and to

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give them laws in terms of which they will know the meaning; we shall otherwise more consult the interest of the lawyers than the inn-holders: and only by one alteration produce a necessity of another.

I am therefore desirous, Sir, that all the difficulties, which have been mentioned by every gentleman on this occasion, should be removed by clear, familiar, and determinate expressions; for what they have found difficult, may easily be to an inn-holder or soldier absolutely inexplicable.

I cannot but declare, while I am speaking on this subject, that, in my opinion, two quarts of liquor will be a sufficient allowance. If we consider the demands of nature, more cannot be required; if we examine the expence of the inn-holder, he ought not to supply soldiers with a greater quantity for nothing. It is to be remembered, that small beer, like other liquors, is charged with an excise in public houses, and that two quarts will probably cost the landlord a penny; and as we cannot suppose, that fire, candles, vinegar, salt, pepper, and the use of the utensils, and lodging, can be furnished for less than 3*d.* a day, every soldier that is quartered upon a public house, may be considered as a tax of 6*l.* a year: a heavy burden! which surely ought not to be aggravated by unnecessary impositions.

The committee having gone through the Bill, and settled the Amendments, the chairman was ordered to make his report the next day. Accordingly, the said report was then read, and the Amendments to the clauses in debate, which then ran thus: "That the officers and soldiers to be quartered and billetted as aforesaid, shall be received, and furnished with diet and small beer by the owners of the inns, livery-stables, ale-houses, victualling-houses, &c. paying and allowing for the same the several rates mentioned.

"Provided, That in case the inn-holder, on whom any non-commission officers or soldiers shall be quartered by virtue of this act, (except on a march) shall be desirous to furnish such officers or soldiers with candles, vinegar, or salt, and with either small beer or cyder, not exceeding three quarts for each man a day, gratis, and to allow them the use of fire, and the necessary utensils for dressing and eating their meat, and shall give notice of such his desire to the commanding officers, and shall furnish and allow them the same accordingly; then, and in such case, the non-commission officers and soldiers so quartered shall provide their own victuals, and the officer to whom it belongs to receive, or that does actually receive the pay and subsistence of such non-commission officers and soldiers, shall pay the several sums, payable out of the subsistence-money for diet and small beer, to the non-commission officers and soldiers as aforesaid, and not to the inn-holder, or other person on whom such non-commission officers or soldiers are quartered." The question being put, whether this clause should stand thus,

Mr. *Carew* spoke to this effect:

Sir; though it may perhaps be allowed, that the circumstances of our present situation oblige us to support a more numerous army than in former years, surely no argument can be drawn from them that can shew the necessity of a profuse allowance to our soldiers, or of gratifying their desires by the oppression of the inn-holders.

If, Sir, the designs of our enemies are so malicious, and their power so formidable, as to demand augmentations of our troops, and additions to our natural securities, they ought surely to impress upon us the necessity of frugal measures, that no useless burdens may be imposed upon the people.

To furnish two quarts of beer, Sir, every day for nothing, is undoubtedly an imposition sufficiently grievous, and I can, therefore, discover no reason for which an allowance of three should be established; a proposal injurious to the victualler, because it exacts more than he can afford to allow; and of no benefit to the soldier, because it offers him more than he can want.

Sir *William Yonge:*

Sir; if it is an instance of misconduct to spend upon any affair more time than the importance of it deserves, I am afraid that the clause to which our attention is now recalled may expose us to censure, and that we may be charged with neglecting weighty controversies, and national questions, to debate upon trifles; of wasting our spirits upon subjects unworthy of contention; of defeating the expectations of the public, and diverting our enemies rather than opposing them.

But, Sir, as nothing has a more immediate tendency to the security of the nation than a proper establishment of our forces, and as the regulation of their quarters, is one of the most necessary and

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difficult parts of the establishment, it is requisite that we think no question of this kind too trivial for our consideration, since very dangerous disturbances have often been produced by petty disputes.

The quantity, Sir, of small-beer to be allowed by the victualler to those soldiers who shall provide their own victuals, was disputed yesterday, and, as I thought, agreed upon; but since this spirit is revived, I must take the opportunity to declare that we ought not to assign less than three quarts a day to each man; for it is to be remembered by those who estimate the demands by their own, how much their way of life is different from that of a common soldier, and how little he can be charged with wantonness and superfluity, for drinking more small liquor than themselves.

There are few members of this House, who do not, more than once a day, drink tea, coffee, chocolate, or some other cooling and diluting infusion; delicacies which the soldier cannot purchase, to which he is entirely a stranger, and of which the place must be supplied by some other cheap and wholsome liquors.

If, Sir, those gentlemen, whose close attention to the interest of the inn-holder has perhaps abstracted them, in some degree, from any regard to the necessities of a soldier, will consent to allow him five pints a day, I shall contend no longer; for though I cannot agree that it is a sufficient provision, yet, as other gentlemen equally able to judge in this subject with myself, are of a different opinion, I shall shew my regard for their sentiments, by desisting from opposition.

Lord *Baltimore:*

Sir; I am not able to discover any necessity of compromising this debate, by taking the mean between the two different opinions, or for denying to the soldiers what every labourer or serving man would murmur to be refused for a single day.

I believe, Sir, every gentleman who examines the expence of his family, will find that each of his servants consumes daily at least three quarts of small-beer, and surely it is not to be required that a soldier should live in a perpetual state of war with his constitution, and a constant inability to comply with the calls of nature.

eneral *Handaside:*

r; the inclination shewn by several lemen for a penurious and scanty provision for the soldier, must, in my opinion, proceed from an inattentive consideration of his pay, and will therefore be removed by laying before them an account of his condition, and comparing his daily pay with his daily expences.

The whole pay of a foot soldier, Sir, is 6*d.* a day, of which he is to pay 4*d.* to his landlord for his diet, or, what is very nearly the same, to carry 4*d.* daily to the market, for which how small a supply of provisions he can bring to his quarters, especially in time of scarcity, I need not mention.

There remain then only 2*d.*, Sir, to be distributed for things not immediately necessary for the preservation of life, but which no man can want without being despicable to others, and burthensome to himself. Two-pence a day is all that a soldier has to lay out upon cleanliness and decency, and with which he is likewise to keep his arms in order, and to supply himself with some part of his cloathing. If, Sir, after these deductions, he can from 2*d.* a day procure himself the means of enjoying a few moments in the year with his companions over a cup of ale, is not his oeconomy much more to be envied than his luxury? Or can it be charged upon him that he enjoys more than his share of the felicity of life? Is he to be burdened with new expences lest he should hoard up the public money, stop the circulation of coin, and turn broker or usurer with 2*d.* a day?

I have been so long acquainted, Sir, with the soldier's character, that I will adventure to secure him from the charge of avarice, and to promise that whatever he shall possess not necessary to life, he will enjoy to the advantage of his landlord.

Mr. *Campbell:*

Sir; I am far from intending to oppose this proposal of five pints, though, upon a rigorous examination, it might appear more than the mere wants of nature require; for I cannot but declare that this question has too long engaged the attention of the House, and that the representatives of a mighty nation, beset with enemies, and encumbered with difficulties, seem to forget their importance and their dignity by wrangling from day to day upon a pint of small-beer.

I conceive the bill which we are now considering, Sir, not as a perpetual and standing law, to be interwoven with our constitution, or added to the principles of

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our government, but as a temporary establishment for the present year; an expedient to be laid aside when our affairs cease to require it; an experimental essay of a new practice, which may be changed or continued according to its success.

To allow, Sir, five pints of small-beer a day to our soldiers for a single year can produce no formidable inconveniencies, and may, though it should not be entirely approved, be of less disadvantage to the public than the waste of another day.

An alteration was made to five pints instead of three quarts, and the Bill thus amended, was passed, and ordered to the Lords.

END OF VOL. XI.

Printed by T. C. Hansard, Peterborough-Court,
Fleet-Street, London.

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